



## Economic and Social Council

Distr.: General  
24 March 2014

Original: English

### **Economic Commission for Europe**

#### **Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context**

##### **Sixth session**

#### **Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment**

##### **Second session**

Geneva, 2–5 June 2014

Items 3 (c) and 11 (c) of the provisional agenda

**Outstanding issues: draft joint decisions**

**Adoption of decisions: decisions to be taken jointly**

### **Report on the budget and financial arrangements in the period since the fifth session of the Meeting of the Parties to the Convention**

**Note by the secretariat**

#### *Summary*

The Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment requested the Convention secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the Convention's funds and to prepare a report for the next sessions of the Meetings of the Parties, based on the information contained in biannual reports (ECE/MP.EIA/15, V/10–I/10, para. 14). This report covers the period from after the fifth session of the Meeting of the Parties to the Convention, in June 2011, to mid-March 2014, and includes estimated expenditure up to and including the sixth session of the Meeting of the Parties to the Convention in June 2014. The trust fund balance was positive at the end of the period.

GE.14-21600



\* 1 4 2 1 6 0 0 \*

Please recycle



The Meetings of the Parties are invited to consider the information and take it into account in their deliberations on budgetary matters.

## Contents

|                                                         | <i>Paragraphs</i> | <i>Page</i> |
|---------------------------------------------------------|-------------------|-------------|
| I. Introduction.....                                    | 1                 | 3           |
| II. Pledges and fundraising .....                       | 2-4               | 3           |
| III. Income and expenditure .....                       | 5-17              | 3           |
| IV. Overspending and savings .....                      | 18-19             | 6           |
| V. Outstanding requirements and operating reserve ..... | 20-21             | 7           |
| Annex                                                   |                   |             |
| Details of the financial report.....                    |                   | 9           |
| Tables                                                  |                   |             |
| 1. Income and expenditure .....                         |                   | 4           |
| 2. Budgetary requirements .....                         |                   | 7           |

## I. Introduction

1. This report sets out income, in-kind contributions and expenditure regarding the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) from the fifth session of the Meeting of the Parties to the Convention, in June 2011, to mid-March 2014, and includes estimated expenditure up to and including the sixth session of the Meeting of the Parties to the Convention in June 2014, as well as the balance in the Convention's trust fund at the end of the period. It also identifies savings and overspend. Details of income and expenditure are provided in the annex to this report.

## II. Pledges and fundraising

2. The pledges made at the fifth session of the Meeting of the Parties to the Convention (MOP) were insufficient to cover the budget of the Convention and the Protocol for the period up to the sixth session of the MOP and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (MOP/MOP),<sup>1</sup> representing only less than 50 per cent of that budget. The Parties were therefore invited to come forward with further contributions, noting also that the Meetings of the Parties had encouraged: (a) Parties that had up till then not pledged anything to make contributions during the current and future budget cycles; and (b) Parties that had up till then only committed limited funds or in-kind contributions to raise their contributions during the current and future budget cycles.<sup>2</sup>

3. The Chair of the Bureau wrote to a number of Parties in March 2012 and again in May 2013 for this purpose. Some Parties made unpledged contributions in the reporting period, including subsequent to the letter from the Chair. In particular, Norway contributed over seven times more than its initial pledge. Finland funded an associate expert to support the secretariat for the entire intersessional period (and in total for four consecutive years).

4. It is expected that all countries will have fulfilled their pledges for the intersessional period. At the time of writing, in mid-March 2014, outstanding pledged contributions for 2014 from Croatia and Hungary were still under way.

## III. Income and expenditure

5. Table 1 summarizes the income and expenditure in United States dollars. Parties made financial contributions to the Convention's trust fund (annex, tables A.1 and A.2).

6. Activities under the workplan<sup>3</sup> were assigned priorities 1 or 2 in the budget of the Convention and the Protocol, while other activities, not explicitly listed in the workplan or not expected to be covered by the budget, were considered priority 3. Pledged and non-earmarked contributions were only to be used to fund activities with priorities 1 or 2.

7. Some countries imposed conditions on their contributions, notably by earmarking them for priority-2 activities and especially to support participation in meetings by representatives of countries with economies in transition (CITs). Switzerland made funds available for technical advice to Uzbekistan, as foreseen in the workplan but not expected

<sup>1</sup> See ECE/MP.EIA/15, decision V/10-1/10.

<sup>2</sup> Decision V/10-1/10, paras. 8 and 9.

<sup>3</sup> ECE/MP.EIA/SEA/2, decision V/9-1/9.

to be covered by the budget of the Convention and the Protocol (therefore assigned priority 3). Sweden and Switzerland provided funds for activities not listed in the workplan but implied in the declaration by the first session of the MOP/MOP; these activities were also assigned priority 3. Switzerland made a contribution to cover practical costs of a side event at the Seventh "Environment for Europe" (EfE) Ministerial Conference, held in Astana in September 2011, whereas Sweden's contribution was intended to enable the secretariat to support the ratification of the Convention by the Russian Federation. Germany made funds available for the workshop on public participation held jointly with the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) in October 2012, as foreseen in the workplan but not expected to be covered by the core budget (therefore assigned priority 3). It also funded the preparation of the draft good practice recommendations on public participation in strategic environmental assessment (not explicitly listed in the workplan, therefore assigned priority 3).

8. One priority-2 activity was not completed within the previous intersessional period and was therefore carried forward, together with its budgeted funds (\$22,600): a subregional cooperation workshop for the Mediterranean Sea.

9. The income, together with the funds for the carried-over activity, totalled \$970,973.

Table 1  
**Income and expenditure**

(in United States dollars)

|                                                                                                                                                                    | <i>Amount by priority</i> |                 |               | <i>Total</i>   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------|---------------|----------------|
|                                                                                                                                                                    | <i>1</i>                  | <i>2</i>        | <i>3</i>      |                |
| (a) Contributions made to the trust fund, with non-earmarked contributions being allocated first to priority 1 activities (from tables A.1 and A.2)                | 684 219                   | 180 520         | 83 634        | <b>948 373</b> |
| (b) Funds for carried-over activities (see para. 8)                                                                                                                | 0                         | 22 600          | 0             | <b>22 600</b>  |
| <b>(c) Total income to the trust fund in the period ((a)+(b))</b>                                                                                                  | <b>684 219</b>            | <b>203 120</b>  | <b>83 634</b> | <b>970 973</b> |
| (d) Expenditure from the Espoo Trust Fund for budgeted priority 1 and 2 workplan activities (from table A.3) and unbudgeted priority 3 activities (from table A.4) | 415 933                   | 284 617         | 49 785        | <b>750 335</b> |
| (e) 13% United Nations programme support costs                                                                                                                     | 54 071                    | 37 000          | 6 472         | <b>97 544</b>  |
| <b>(f) Trust fund balance: income less expenditure in the period ((c)-(d)-(e))</b>                                                                                 | <b>214 214</b>            | <b>-118 496</b> | <b>27 377</b> | <b>123 094</b> |
| (g) In-kind contributions made, valued according to the budgeted activity cost (from table A.7)                                                                    | 0                         | 0               | 358 000       | <b>358 000</b> |

10. The secretariat spent from the trust fund in accordance with the budget (table A.3, with further details in tables A.5 and A.6). The funds were spent on the two priority-1 activities, namely on an external expert to provide secretariat support and on drafting of the

reviews of implementation of the Convention and the Protocol. Funds were also spent on priority-2 activities in the following areas:

- (a) The sixth session of the MOP and the second session of the MOP/MOP;
- (b) Nine sessions of the Implementation Committee;
- (c) Three free-standing meetings of the Bureau;
- (d) A meeting of the chairs of the bureaux of the United Nations Economic Commission for Europe (ECE) conventions and the Committee on Environmental Policy (as there was no fourth meeting of the Bureau);
- (e) Three meetings of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;
- (f) Informal translation of informal papers for the above meetings;
- (g) General guidance on enhancing consistency between the Convention and environmental impact assessment within State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia;
- (h) Secretariat travel in relation to the workplan;
- (i) The promotion of contacts with countries outside the region.

11. In addition, the secretariat spent from the trust fund further to the earmarked contributions by:

- (a) Sweden and Switzerland, on the side event to the Astana EUE Ministerial Conference and to support the ratification of the Convention by the Russian Federation;
- (b) Germany, on the joint workshop on public participation with the Aarhus Convention, and the preparation of draft good practice recommendations on public participation in strategic environmental assessment by a consultant;
- (c) Switzerland, on technical support to Uzbekistan to review its national legislation for the implementation of the Convention and to propose amendments.

12. The expenditure totalled \$750,335, to which was added 13 per cent United Nations programme support costs of \$97,544, leaving a balance in the trust fund of \$123,094.

13. Parties, other States and organizations also undertook or financed the following priority-3 workplan activities in the following areas by providing in-kind contributions (table A.7):

- (a) Financial support of a speaker at the side event to the Astana Ministerial Conference;
- (b) Subregional cooperation meetings in Poland and Estonia for the countries of the Baltic Sea area;
- (c) A four-day workshop to strengthen capacity for the development of environmental impact assessment (EIA) and strategic environmental assessment (SEA) systems in Uzbekistan, with sharing of experiences from other countries in the implementation of the Espoo Convention and in particular its Protocol;
- (d) A pilot project between Belarus and Ukraine, 2013–2014;
- (e) Technical advice and training on SEA in Belarus;
- (f) A workshop including training on SEA in Armenia;
- (g) A workshop including training in Ukraine;

- (h) Development of legislation on SEA in the Republic of Moldova;
  - (i) Seminars for the exchange of good practices on biodiversity and on wind and hydro-energy, and a workshop on the long-range impacts of nuclear energy-related activities.
14. Funds raised through the Environment and Security Initiative (ENVSEC) (with funding from Sweden) were disbursed to support the technical advice and training on SEA in Belarus and the pilot on post-project analysis of transboundary EIA between Belarus and Ukraine. These funds also supported organization of a subregional seminar to present the results of the pilot project in April 2014 (total value \$210,000).
15. The Swiss funding for pre-accession support to Uzbekistan in drafting legislation for the implementation of the Convention was supplemented by funds made available by the German Agency for International Cooperation (GIZ) (total value \$8,000).
16. Starting from 2013, the funds raised through the European Union-funded Greening Economies in the European Union's Eastern Neighbourhood (EaP GREEN) programme generated a substantial increase in income (totalling €2 million for 2013–2017, with \$422,626 made available for 2013). This created savings in the use of the trust fund and allowed implementation of workplan activities in Armenia, the Republic of Moldova and Ukraine. In addition, these funds covered legislative assistance for the implementation of the Convention in Georgia (not listed in the workplan but requested by Georgia); as well as the costs of one full-time external expert and one administrative support staff on a 50 per cent basis to support the secretariat in planning and management of capacity-building activities.<sup>4</sup>
17. The above workplan activities, funded by in-kind contributions, have been valued at \$358,000 in total.

#### IV. Overspending and savings

18. Savings, at or exceeding \$10,000 per budget line, were realized for the following:
- (a) Expenditure for an external expert to provide secretariat support, owing to the fact that during the reporting period the post of the external expert was vacant for several months (saving \$53,417);<sup>5</sup>
  - (b) The staff shortage over an extended period limited the travel of the secretariat, which generated further savings (saving \$70,344);
  - (c) Promotion of contacts with countries outside the ECE region was carried out at reduced cost (saving \$21,584);
  - (d) Savings of \$30,000 arose from the Bureau's decision not to fund participation of non-ECE countries in the meetings of the Working Group in 2012 and 2013;
  - (e) During the intersessional period, the Implementation Committee did not recommend the conduct of country-specific performance reviews to assist Parties to

<sup>4</sup> Funds from the same source were also expected to cover several other workplan activities in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, in the next intersessional period, in particular to promote ratification and application of the Protocol on SEA (legislative assistance, pilot projects, workshops with training and subregional experience-sharing events).

<sup>5</sup> The original budget for the extrabudgetary expert was underestimated and would not have been sufficient to fully cover the staff costs over the three-year period.

strengthen their implementation of and compliance with the Convention and the Protocol (savings for the cancelled activities of \$75,000);

(f) Further to its fundraising from other sources, the secretariat could finance workplan activities without using the trust fund, which resulted in savings for costs of consultants (saving \$48,498; e.g., for the pre-accession legislative support to Belarus and the Republic of Moldova; a pilot transboundary EIA between Belarus and Ukraine; and training on SEA in Armenia, Belarus and Ukraine);

(g) Further savings included those for informal translations of submissions (\$10,000), promotional materials (\$30,000) and for informal translations of informal papers (saving \$55,000);

(h) Finally, savings were realized for the organization of the workshops or half-day seminars within the meetings of the Working Group, which were mainly covered by in-kind contributions (saving \$30,000).

19. Some spending on priority-2 workplan activities exceeded the assigned amount for a budget line:

(a) Though the total costs of financial support for participation at the meetings of the Working Group were below the budget, the costs of participation by representatives of CITs and slightly also by representatives of non-governmental organizations (NGOs) to the Working Group's third meeting exceeded the budgeted amount. This was due to the decision by the Working Group to extend its third meeting by half a day, which entailed additional daily subsistence allowance (DSA) costs for all the participants that benefited from financial support;

(b) Though the total costs of the meetings of the Bureau were below the budget, the costs of the freestanding meeting of the Bureau in 2014 exceeded the budgeted amount, due to the need for the secretariat to arrange for simultaneous interpretation.

20. Table 2 presents the budgetary requirements for the period between the fifth and sixth sessions of the MOP, identifying how much of the budget was fulfilled by expenditure and in-kind contributions and taking into account savings and overspend. Table 2 refers to priority-1 and -2 activities as only these had a budgetary allocation.

**Table 2**  
**Budgetary requirements**

(in United States dollars)

|                                                                                                                                                                                                          | <i>Amount by priority</i> |          |              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------|--------------|
|                                                                                                                                                                                                          | <i>1</i>                  | <i>2</i> | <i>Total</i> |
| (a) Budget for period between the fifth and sixth sessions of the Meetings of the Parties to the Convention (ECE/MP.EIA/15, decision V/10), plus for carried-over priority 1 activities (from table A.8) | 470 000                   | 685 000  | 1 155 000    |
| (b) Expenditure from the Espoo trust fund for budgeted workplan activities (from table 1)                                                                                                                | 415 933                   | 284 617  | 688 550      |
| (c) In-kind contributions made according to the budgeted activity cost (priority 1 and 2) (from table 1)                                                                                                 | 0                         | 0        |              |
| (d) Savings against budget for workplan activities (from table A.8)                                                                                                                                      | 54 067                    | 380 039  | 434 450      |
| (e) Overspend against budget for workplan activities (from table A.8)                                                                                                                                    | 0                         | 0        | 0            |

|                                                 |                                                             | <i>Amount by priority</i> |               |               |
|-------------------------------------------------|-------------------------------------------------------------|---------------------------|---------------|---------------|
|                                                 |                                                             | <i>1</i>                  | <i>2</i>      | <i>Total</i>  |
| (f)                                             | Outstanding budgetary requirements<br>((a)-(b)-(c)-(d)+(e)) | 0                         | 20 000        | 20 000        |
| (g)                                             | 13 per cent United Nations programme support costs          | 0                         | 2 600         | 2 600         |
| <b>Total outstanding requirements ((f)+(g))</b> |                                                             | <b>0</b>                  | <b>22 600</b> | <b>22 600</b> |

## V. Outstanding requirements and operating reserve

20. Table 2 also presents the outstanding budgetary requirements at the end of the period, corresponding to the subregional cooperation workshop for the Mediterranean Sea area, which was not held as planned. This requires that \$22,600 be carried forward into the next intersessional period, taking into account the United Nations programme support costs. The remainder of the \$123,094 in the trust fund (table 1) may therefore be added to the operating reserve once final expenditure figures are available.

21. An operating reserve of \$411,925 was created by carrying forward unspent funds from the two periods between the third and fourth, and the fourth and fifth sessions of the MOP, as decided by the MOP at the respective sessions. The operating reserve provided contingency funding to ensure continued operations under the Convention in the event of unanticipated problems, for example delayed receipt of contributions.

## Annex

## Details of the financial report

Table A.1  
Income to the Convention's trust fund  
(in United States dollars)

| Party <sup>a</sup>     | Description of pledge in ECE/MP.EIA/15, annex, plus additional contributions <sup>b</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                   | Pledge | Amount received |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------------|
| Albania                | Two unpledged contributions of US\$ 1,000 in 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0      | 2 000           |
| Armenia                | Unpledged contribution.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0      | 1 000           |
| Austria                | Six shares per year for three years, for both instruments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 18 000 | 18 083          |
| Azerbaijan             | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |
| Belarus                | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |
| Belgium                | Unpledged contribution of €15,000 from Flanders Region (Belgium) in 2011.                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0      | 20 000          |
| Bosnia and Herzegovina | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |
| Bulgaria               | US\$ 5,000 for the Convention and US\$ 3,000 for the Protocol in the period up to the next session of the MOP, to be paid in 2012.                                                                                                                                                                                                                                                                                                                                                                                          | 8 000  | 8 000           |
| Canada                 | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |
| Croatia                | Three shares per year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9 000  | 9 000           |
| Cyprus                 | Unpledged but regular contribution of €6,000 in 2011.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0      | 8 208           |
| Czech Republic         | US\$ 5,000 per year until the next session of the MOP, depending upon the availability of funds in the national budget.                                                                                                                                                                                                                                                                                                                                                                                                     | 15 000 | 15 000          |
| Denmark                | Unpledged contribution of US\$ 15,000 in 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0      | 14 970          |
| Estonia                | Unpledged contributions of €1,000 in 2012 and 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0      | 2 657           |
| Finland                | (US\$ 2,153 carried over). An associate expert will be funded for one year with an option for a second year. Funding was provided for three years (2011–2013) and also confirmed for the fourth year (2014).                                                                                                                                                                                                                                                                                                                | 0      | 2 153           |
| France                 | €10,000 per year, subject to availability in the budget.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 39 000 | 40 031          |
| Germany                | A minimum of 30 shares for the period to the next sessions of the MOP and the MOP/MOP. This sum will be divided into at least two payments and will be earmarked. Any payment depends on the availability of funds in the national budget that will have to be adopted by the parliament for each year. In addition, unpledged contribution in 2012 of US\$ 25,000 to cover consultant fees and travel and to support travel of CIT and NGO participants for the joint Espoo-Aarhus meeting on public participation in SEA. | 30 000 | 55 000          |
| Greece                 | Unpledged contributions of US\$ 1,000 and US\$ 2,000 in 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 0      | 3 000           |
| Hungary                | US\$ 4,000 per year contribution for the period to the next session of the MOP (in years 2011, 2012, 2013 and 2014).                                                                                                                                                                                                                                                                                                                                                                                                        | 16 000 | 15 981          |
| Ireland                | Unpledged but regular contribution of €10,000 in 2011.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 13 680          |
| Italy                  | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |
| Kazakhstan             | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |
| Kyrgyzstan             | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |
| Latvia                 | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |
| Liechtenstein          | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |
| Lithuania              | Unpledged contribution of US\$ 1,500 in 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 0      | 1 500           |
| Luxembourg             | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0      | 0               |

| Party <sup>a</sup>                                   | Description of pledge in ECE/MP.EIA/15, annex, plus additional contributions <sup>b</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Pledge         | Amount received |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|
| Malta                                                | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 0              | 0               |
| Montenegro                                           | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 0              | 0               |
| Netherlands                                          | €48,000 for the intersessional period between the fifth and sixth sessions of the MOP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 62 400         | 68 670          |
| Norway                                               | 10–15 shares per year for the period to the next sessions of MOP and MOP/MOP (12.5 shares per year indicated in pledge column). Any payment depends on the availability of funds in the national budget to be adopted by the parliament for each year. In addition, an unpledged contribution in 2011 of NOK 100,000 (US\$ 17,014) to support travel by government and NGO representatives of CITs. Similar contribution at the end of 2011 for 2012, comprising both pledged and unpledged elements. In addition, unpledged contributions of US\$ 52,649 in 2012, US\$ 55,474 in the end of 2012 for 2013 and US\$ 49,584 at the end of 2013 for 2014 earmarked for an external expert to provide secretariat support (up to US\$ 37,000) and for CIT and NGO participation (US\$ 18,000). Further, unpledged contributions in 2012 of NOK 160,000 (US\$ 27,145) and in 2013 of NOK 200,000 (US\$ 33,950) for CIT participation. | 37 500         | 286 508         |
| Poland                                               | Five shares per year for the period to the next MOP (in years 2012, 2013 and 2014).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 15 000         | 15 000          |
| Portugal                                             | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 0              | 0               |
| Republic of Moldova                                  | Unpledged contribution of US\$ 1,000 in 2014.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0              | 1 000           |
| Romania                                              | Unpledged contribution of US\$ 415 resulting from interest on trust fund for inquiry commission (2004–2006) in 2012. Unpledged contribution of US\$ 5,000 in 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0              | 5 415           |
| Serbia                                               | US\$ 1,000 in 2012.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1 000          | 1 000           |
| Slovakia                                             | €2,000.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2 600          | 2 861           |
| Slovenia                                             | Three shares per year for three years for both the Convention and the Protocol.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 9 000          | 9 000           |
| Spain                                                | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 0              | 0               |
| Sweden                                               | 20 shares, in kind, primarily for Baltic cooperation for both instruments, subject to the approval of the national budget. An unpledged contribution at the end of 2011 for secretariat support for the ratification of the Convention and accession to the Protocol by the Russian Federation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0              | 28 469          |
| Switzerland                                          | Likely US\$ 20,000 (20 shares) per year to the next MOP. An unpledged contribution of CHF 25,000 (US\$ 28,474) in 2011 to support capacity-development activities in Central Asia (Uzbekistan) and an unpledged contribution of CHF 1,557 in 2011 to cover the costs of practical arrangements for a side event during the Astana EIE Ministerial Conference in 2011 (actual costs were US\$ 1,650).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 60 000         | 95 114          |
| The former Yugoslav Republic of Macedonia            | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 0              | 0               |
| Ukraine                                              | US\$ 6,000 (six shares) in total for the period to the next meeting of the Parties. Unpledged contribution of US\$ 415 resulting from interest on trust fund for inquiry commission (2004–2006).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 6 000          | 6 415           |
| United Kingdom of Great Britain and Northern Ireland | (None)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 0              | 0               |
| European Union                                       | €50,000 per year (but see paragraph 2 of decision V/10 on the budget, financial arrangements and financial assistance).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 195 000        | 198 657         |
| <b>Total</b>                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>523 500</b> | <b>948 373</b>  |

<sup>a</sup> All Parties to the Convention are listed, whether or not contributing to the trust fund.

<sup>b</sup> Exchange rates for pledges, at 23 June 2011: US\$ 1.40 per €.

<sup>c</sup> Shares are US\$ 1,000 in value.

Table A.2  
Income to the Convention's trust fund by date  
(in United States dollars)

| <i>Date</i>  | <i>Party</i>              | <i>Amount received in original currency</i> | <i>Income</i> |
|--------------|---------------------------|---------------------------------------------|---------------|
| <b>2011</b>  |                           |                                             |               |
| 3 May        | Czech Republic            | USD 5 000                                   | 5 000         |
| 27 May       | Netherlands               | USD 68 669.53                               | 68 670        |
| 27 May       | Hungary                   | USD 4 000                                   | 4 000         |
| 14 July      | Finland                   | USD 2 153 <sup>a</sup>                      | 2 153         |
| 14 July      | France                    | EUR 10 000                                  | 14 306        |
| 19 July      | Slovakia                  | EUR 2 000                                   | 2 861         |
| 30 August    | Slovenia                  | USD 3 000                                   | 3 000         |
| 30 September | Switzerland               | CHF 45 000                                  | 51 253        |
| 31 October   | Austria                   | EUR 4 373.50                                | 5 967         |
| 18 November  | Ireland                   | EUR 10 000                                  | 13 680        |
| 28 November  | Cyprus                    | EUR 6 000                                   | 8 208         |
| 12 December  | Norway                    | USD 17 014.22                               | 17 014        |
| 22 December  | Switzerland               | CHF 1 557                                   | 1 691         |
| 19 December  | Norway                    | USD 16 444.28                               | 16 444        |
| 22 December  | Belgium (Flanders Region) | EUR 15 000                                  | 20 000        |
| <b>2012</b>  |                           |                                             |               |
| 3 January    | Sweden                    | USD 28 469.31                               | 28 469        |
| 3 January    | Norway                    | USD 52 649.47                               | 52 649        |
| 4 January    | Germany                   | USD 15 000                                  | 15 000        |
| 9 January    | Romania                   | USD 415                                     | 415           |
| 9 January    | Ukraine                   | USD 415                                     | 415           |
| 15 February  | Slovenia                  | USD 3 000                                   | 3 000         |
| 27 March     | Bulgaria                  | USD 8 000                                   | 8 000         |
| 4 April      | Croatia                   | USD 3 000                                   | 3 000         |
| 25 April     | European Union            | EUR 50 000                                  | 66 401        |
| 3 May        | Czech Republic            | USD 5 000                                   | 5 000         |
| 28 June      | Armenia                   | USD 1 000                                   | 1 000         |
| 4 July       | Hungary                   | USD 4 000                                   | 4 000         |
| 4 August     | Switzerland               | CHF 20 000                                  | 20 408        |
| 31 August    | Norway                    | USD 27 144.56                               | 27 145        |
| 19 September | Poland                    | USD 5 000                                   | 5 000         |
| 25 September | Germany                   | USD 25 000                                  | 25 000        |
| 22 November  | Austria                   | EUR 4 721.99                                | 6 117         |
| 27 November  | Norway                    | USD 55 473.61                               | 55 474        |
| 28 November  | France                    | EUR 10 000                                  | 12 953        |
| 29 November  | Ukraine                   | USD 6 000                                   | 6 000         |
| 27 December  | Estonia                   | EUR 1 000                                   | 1 299         |
| 28 December  | Norway                    | USD 17 587.81                               | 17 588        |

| <i>Date</i>  | <i>Party</i>        | <i>Amount received in original currency</i> | <i>Income</i>  |
|--------------|---------------------|---------------------------------------------|----------------|
| <b>2013</b>  |                     |                                             |                |
| 4 January    | Greece              | USD 1 000                                   | 1 000          |
| 29 January   | Denmark             | USD 14 970                                  | 14 970         |
| 4 February   | Poland              | USD 5 000                                   | 5 000          |
| 7 February   | Albania             | USD 1 000                                   | 1 000          |
| 11 April     | Czech Republic      | USD 5 000                                   | 5 000          |
| 17 April     | France              | EUR 10 000                                  | 12 771         |
| 17 April     | Austria             | USD 6 000                                   | 6 000          |
| 18 April     | European Union      | EUR 50 000                                  | 63 857         |
| 18 April     | Slovenia            | USD 3 000                                   | 3 000          |
| 29 April     | Croatia             | USD 1 000                                   | 1 000          |
| 3 May        | Norway              | USD 33 949.63                               | 33 950         |
| 3 June       | Hungary             | USD 3 981.20                                | 3 981          |
| 22 August    | Romania             | USD 5 000                                   | 5 000          |
| 30 September | Lithuania           | USD 1 500                                   | 1 500          |
| 31 October   | Norway              | USD 16 660.43                               | 16 660         |
| 5 November   | Albania             | USD 1 000                                   | 1 000          |
| 8 November   | Germany             | USD 15 000                                  | 15 000         |
| 8 November   | Serbia              | USD 1 000                                   | 1 000          |
| 29 November  | Switzerland         | CHF 20 000                                  | 21 763         |
| 16 December  | Norway              | USD 49 583.62                               | 49 584         |
| 20 December  | Greece              | USD 2 000                                   | 2 000          |
| 26 December  | Estonia             | EUR 1 000                                   | 1 359          |
| <b>2014</b>  |                     |                                             |                |
| February     | Poland              | USD 5 000                                   | 5 000          |
| March        | European Union      | EUR 50 000                                  | 68 399         |
| March        | Republic of Moldova | USD 1 000                                   | 1 000          |
| <sup>b</sup> | Hungary             | USD 4 000                                   | 4 000          |
| <sup>b</sup> | Croatia             | USD 5 000                                   | 5 000          |
| <b>Total</b> |                     |                                             | <b>908 669</b> |

<sup>a</sup> Carried over from the previous period (contribution incorrectly reported as USD 5,000 rather than EUR 5,000).  
<sup>b</sup> The transfers were still under way in mid-March 2014.

Table A.3  
**Expenditure from the Convention's trust fund**  
(in United States dollars)

| <i>Index</i>              | <i>Activity</i>                                                                                                 | <i>Priority</i> | <i>Sub-activity</i>                                                                                                                       | <i>Type of expenditure</i>                | <i>Expenditure<sup>a</sup></i> |
|---------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------|
| 1                         | Sixth session of the MOP and second session of the MOP/MOP, Geneva (originally expected to be held in Ukraine). | 2               |                                                                                                                                           | Participation of CITs                     | 40 000                         |
|                           |                                                                                                                 |                 |                                                                                                                                           | Participation of NGOs                     | 20 000                         |
|                           |                                                                                                                 |                 |                                                                                                                                           | Invited speakers                          | 10 000                         |
|                           |                                                                                                                 |                 |                                                                                                                                           | Participation of non-ECE countries        | 20 000                         |
| <b>Total for activity</b> |                                                                                                                 |                 |                                                                                                                                           |                                           | <b>90 000</b>                  |
| 2.1                       | Meetings of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, Geneva | 2               | First meeting, 24–26 April 2012                                                                                                           | Participation of CITs                     | 15 604                         |
|                           |                                                                                                                 |                 |                                                                                                                                           | Participation of NGOs                     | 8 739                          |
|                           |                                                                                                                 |                 |                                                                                                                                           | Participation of non-ECE countries        | 0                              |
| 2.2                       |                                                                                                                 |                 | Second meeting, 27–30 May 2013                                                                                                            | Participation of CITs                     | 22 212                         |
|                           |                                                                                                                 |                 |                                                                                                                                           | Participation of NGOs                     | 8 044                          |
|                           |                                                                                                                 |                 |                                                                                                                                           | Participation of non-ECE countries        | 0                              |
| 2.3                       |                                                                                                                 |                 | Third meeting, 11–14 November 2013                                                                                                        | Participation of CITs                     | 25 210                         |
|                           |                                                                                                                 |                 |                                                                                                                                           | Participation of NGOs                     | 10 475                         |
|                           |                                                                                                                 |                 |                                                                                                                                           | Participation of non-ECE countries        | 0                              |
| <b>Total for activity</b> |                                                                                                                 |                 |                                                                                                                                           |                                           | <b>90 284</b>                  |
| 3.1                       | Bureau meetings (free standing)                                                                                 | 2               | First meeting, 31 January–1 February 2012                                                                                                 | Participation of CITs (Bureau members)    | 1 507                          |
| 3.2                       |                                                                                                                 |                 | Second meeting, 31 January–1 February 2013                                                                                                | Participation of CITs (Bureau members)    | 888                            |
| 3.3                       |                                                                                                                 |                 | Third meeting, 30–31 January 2014                                                                                                         | Participation of CITs (Bureau members)    | 7 530                          |
| 3.4                       |                                                                                                                 |                 | Meeting of the chairs of the bureaux of the ECE conventions and of the Committee on Environmental Policy (as no fourth meeting of Bureau) | Participation of CITs (Bureau members)    | 1 350                          |
| <b>Total for activity</b> |                                                                                                                 |                 |                                                                                                                                           |                                           | <b>11 275</b>                  |
| 4.1                       | Meetings of the Implementation Committee, Geneva                                                                | 2               | Twenty-second session, 5–7 September 2011                                                                                                 | Participation of CITs (Committee members) | 6 794                          |

| <i>Index</i>              | <i>Activity</i>                                                                                                | <i>Priority</i> | <i>Sub-activity</i>                                               | <i>Type of expenditure</i>                                                                                | <i>Expenditure<sup>a</sup></i> |
|---------------------------|----------------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------|
| 4.2                       |                                                                                                                |                 | Twenty-third session,<br>5–7 December 2011                        | Participation of CITs<br>(Committee members)                                                              | 4 330                          |
| 4.3                       |                                                                                                                |                 | Twenty-fourth session,<br>20–23 March 2012                        | Participation of CITs<br>(Committee members)                                                              | 4 699                          |
| 4.4                       |                                                                                                                |                 | Twenty-fifth session,<br>11–13 September 2012                     | Participation of CITs<br>(Committee members)                                                              | 3 689                          |
| 4.5                       |                                                                                                                |                 | Twenty-sixth session,<br>26–28 November 2012                      | Participation of CITs<br>(Committee members)                                                              | 3 961                          |
| 4.6                       |                                                                                                                |                 | Twenty-seventh session,<br>12–14 March 2013                       | Participation of CITs<br>(Committee members)                                                              | 4 072                          |
| 4.7                       |                                                                                                                |                 | Twenty-eighth session,<br>10–12 September 2013                    | Participation of CITs<br>(Committee members)                                                              | 3 206                          |
| 4.8                       |                                                                                                                |                 | Twenty-ninth session,<br>10–12 December 2013                      | Participation of CITs<br>(Committee members)                                                              | 4 055                          |
| 4.9                       |                                                                                                                |                 | Thirtieth session,<br>25–27 February 2014                         | Participation of CITs<br>(Committee members)                                                              | 3 677                          |
| <b>Total for activity</b> |                                                                                                                |                 |                                                                   |                                                                                                           | <b>38 484</b>                  |
| 5                         | Informal translations of informal papers<br>for meetings listed above                                          | 2               |                                                                   |                                                                                                           | 10 000                         |
| <b>Total for activity</b> |                                                                                                                |                 |                                                                   |                                                                                                           | <b>10 000</b>                  |
| 6                         | Promotion of contacts with countries<br>outside the ECE region (with reporting<br>of results to Working Group) | 2               | Secretariat and Chair's travel and<br>DSA (detailed in table A.5) |                                                                                                           | 3 416                          |
| <b>Total for activity</b> |                                                                                                                |                 |                                                                   |                                                                                                           | <b>3 416</b>                   |
| 7.1                       | External expert to provide secretariat<br>support for the implementation of the<br>Convention and the Protocol | 1               | July–December 2011                                                | Extrabudgetary post                                                                                       | 92 911                         |
| 7.2                       |                                                                                                                |                 | 2012                                                              | Extrabudgetary post                                                                                       | 132 936                        |
| 7.3                       |                                                                                                                |                 | 2013                                                              | Extrabudgetary post                                                                                       | 81 416                         |
| 7.4                       |                                                                                                                |                 | January–June 2014                                                 | Extrabudgetary post                                                                                       | 89 321                         |
| <b>Total for activity</b> |                                                                                                                |                 |                                                                   |                                                                                                           | <b>396 583</b>                 |
| 8.1                       | Further secretariat support                                                                                    | 2               | Consultants                                                       | Draft general guidance on<br>enhancing consistency<br>with State ecological<br>expertise (fee and travel) | 11 502                         |
| 8.2                       |                                                                                                                |                 | Promotional materials                                             | (None)                                                                                                    | 0                              |
| 8.3                       |                                                                                                                |                 | Secretariat travel in relation to<br>the workplan                 | Secretariat travel and<br>DSA (detailed in<br>table A.6)                                                  | 19 656                         |
| <b>Total for activity</b> |                                                                                                                |                 |                                                                   |                                                                                                           | <b>31 158</b>                  |
| 9.1                       | Compliance with and implementation of 1<br>the Convention                                                      |                 | Informal translations of<br>submissions                           |                                                                                                           | 0                              |

| <i>Index</i>                    | <i>Activity</i>                                                  | <i>Priority</i> | <i>Sub-activity</i>                                                                                | <i>Type of expenditure</i>                                                                                                                                                                                   | <i>Expenditure<sup>a</sup></i> |
|---------------------------------|------------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 9.2                             |                                                                  |                 | Drafting of review of implementation                                                               | Consultant to prepare a draft review of implementation of the Convention and the Protocol in the period 2010–2013 (fee); informal translations of national reports by the Parties (from Russian to English). | 19 350                         |
| 9.3                             |                                                                  |                 | Country-specific performance reviews:                                                              |                                                                                                                                                                                                              | 0                              |
| 9.3.1                           |                                                                  |                 | (None)                                                                                             |                                                                                                                                                                                                              | 0                              |
| 9.3.2                           |                                                                  |                 | (None)                                                                                             |                                                                                                                                                                                                              | 0                              |
| 9.3.3                           |                                                                  |                 | (None)                                                                                             |                                                                                                                                                                                                              | 0                              |
| <b>Total for activity</b>       |                                                                  |                 |                                                                                                    |                                                                                                                                                                                                              | <b>19 350</b>                  |
| 10                              | Exchange of good practices                                       | 2               | Workshops or half-day seminars within meetings of the Working Group on:                            |                                                                                                                                                                                                              |                                |
| 10.1                            |                                                                  |                 | (a) Biodiversity, May 2013                                                                         | (In-kind)                                                                                                                                                                                                    | 0                              |
| 10.2                            |                                                                  |                 | (b) Renewable energy, June 2014                                                                    | (In-kind)                                                                                                                                                                                                    | 10 000                         |
| 10.3                            |                                                                  |                 | (c) One-day workshop on the long-range impacts of nuclear energy-related activities, November 2013 | (In-kind)                                                                                                                                                                                                    | 0                              |
| 10.4                            |                                                                  |                 | (d) None                                                                                           |                                                                                                                                                                                                              | 0                              |
| <b>Total for activity</b>       |                                                                  |                 |                                                                                                    |                                                                                                                                                                                                              | <b>10 000</b>                  |
| 11                              | Promoting ratification and application of the Protocol           | 2               | (None)                                                                                             |                                                                                                                                                                                                              | 0                              |
| <b>Total for activity</b>       |                                                                  |                 |                                                                                                    |                                                                                                                                                                                                              | <b>0</b>                       |
| 12                              | Subregional cooperation: workshop for the Mediterranean Sea area | 2               | (None)                                                                                             |                                                                                                                                                                                                              | 0                              |
| <b>Total for activity</b>       |                                                                  |                 |                                                                                                    |                                                                                                                                                                                                              | <b>0</b>                       |
| <b>Total for all activities</b> |                                                                  |                 |                                                                                                    |                                                                                                                                                                                                              | <b>700 550</b>                 |

<sup>a</sup> Expenditure in italics is estimated

Table A.4

**Expenditure from the Convention's trust fund on unbudgeted activities**

(in United States dollars)

| <i>Index</i>                    | <i>Activity</i>                                                                                                     | <i>Priority</i> | <i>Justification</i>                                                                                                   | <i>Type of expenditure</i>                                                                                                                                                                                                                                                                             | <i>Expenditure<sup>a</sup></i> |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 1                               | Side event during the Astana ERE Ministerial Conference, September 2011                                             | 3               | Geneva Declaration, para. 19; willingness of Switzerland to provide funds.                                             | Practical arrangements: interpretation and refreshments.                                                                                                                                                                                                                                               | 2 072                          |
| 2                               | Secretariat support for the ratification of the Convention and accession to the Protocol by the Russian Federation. | 3               | Cavtat Declaration, para. 17; Geneva Declaration, para. 17; willingness of Sweden to provide funds.                    | Participation of NGOs.<br>Meeting with representatives of the Ministry of Natural Resources and Environment, and of the Russian Government Institute of Legislation and Comparative Law Studies to discuss implementation of the Espoo Convention by the Russian Federation, Moscow, 29 November 2011. | 1 213<br>1 441                 |
| 3                               | Drafting of good practice guidance on public participation in SEA (consultancy fee and travel).                     | 3               | Informal notes of meeting of the Bureau 31 January–1 February 2012, para. 23; willingness of Germany to provide funds. | Consultancy fee and travel.                                                                                                                                                                                                                                                                            | 10 170                         |
| 4                               | Joint workshop on public participation with the Aarhus Convention, 29–30 October 2012.                              | 3               | Workplan activity; willingness of Germany to provide funds.                                                            | Participation of CITs and NGOs.                                                                                                                                                                                                                                                                        | 15 888                         |
| 5                               | Technical support to Uzbekistan to review its national legislation for implementation of the Convention.            | 3               | Workplan activity; willingness of Switzerland to provide funds.                                                        | Consultancy fee and travel, and travel of the secretariat.                                                                                                                                                                                                                                             | 19 000                         |
| <b>Total for all activities</b> |                                                                                                                     |                 |                                                                                                                        |                                                                                                                                                                                                                                                                                                        | <b>49 785</b>                  |

<sup>a</sup> Expenditure in italics is estimated

Table A.5

**Promotion of contacts with countries outside the ECE region: travel and subsistence allowances**

(in United States dollars)

| <i>Index</i>          | <i>Purpose of travel</i>                                                                                                                                                                                            | <i>Expenditure</i> |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 11.1                  | International Association for Impact Assessment (IAIA) Special Conference on Strategic Environmental Assessment, Prague, 21–23 September 2011 (two persons, but one paid for from budget line for associate expert) | 1 525              |
| 11.2                  | Korea Environment Institute International Conference 2012, Seoul, 13–15 June 2012 (most costs covered by the organizer)                                                                                             | 102                |
| 11.3                  | Korea Environment Institute International Conference 2011, Seoul, 17–18 November 2011 (most costs covered by the organizer)                                                                                         | 0                  |
| 11.4                  | IAIA Conference on Energy Future — The role of Impact Assessment, Porto, 29 May–1 June 2012 (two persons, but one paid for from budget line for associate expert)                                                   | 1 788              |
| <b>Activity total</b> |                                                                                                                                                                                                                     | <b>3 416</b>       |

Table A.6

**Secretariat travel in relation to the workplan: travel and subsistence allowances**

(in United States dollars)

| <i>Index</i>          | <i>Purpose of travel</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>Expenditure<sup>a</sup></i> |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 8.3.1                 | Side event on the importance of impact assessment in planning related to greening the economy and in sustainable water management, during the Astana Efe Ministerial Conference, September 2011                                                                                                                                                                                                                                                                                                                | 2 895                          |
| 8.3.2                 | Meeting with officials of the Swiss Ministry of Foreign Affairs and Federal Office for the Environment regarding capacity-development, Bern, 17 October 2011 (two persons, but one covered by associate expert's travel budget)                                                                                                                                                                                                                                                                                | 237                            |
| 8.3.3                 | Presentation on the role of the ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and the Espoo Convention, within the International High-level Conference, "Strengthening transboundary water cooperation in Central Asia: the role of international water law and the ECE Water Convention and the Workshop on the Protocol on Water and Health", Almaty, Kazakhstan, 25–27 October 2011 (costs covered by Water Convention-related project) | 0                              |
| 8.3.4                 | Fifth seminar on cooperation on the Espoo Convention in the Baltic Sea subregion, Sopot, Poland, 27–28 October 2011                                                                                                                                                                                                                                                                                                                                                                                            | 1 429                          |
| 8.3.5                 | Training workshop for strengthening capacities in Uzbekistan for understanding and implementing the Espoo Convention, and in particular the Protocol on SEA, Tashkent, 9–12 November 2011 (costs covered by Water Convention-related projects)                                                                                                                                                                                                                                                                 | 0                              |
| 8.3.6                 | Meeting with the EuropeAid Development and Cooperation Directorate-General of the European Commission on the involvement of the Espoo Convention secretariat in the European Union-funded EaP GREEN project, Brussels, 16 March 2012                                                                                                                                                                                                                                                                           | 631                            |
| 8.3.7                 | Sixth seminar on cooperation on the Espoo Convention in the Baltic Sea subregion, Tallinn, 20–21 September 2012                                                                                                                                                                                                                                                                                                                                                                                                | 1 923                          |
| 8.3.8                 | Seminar on green economy in the Eastern Partnership partner countries after the United Nations Conference on Sustainable Development (Rio+20 Conference), Brussels 4 October 2012                                                                                                                                                                                                                                                                                                                              | 1 199                          |
| 8.3.9                 | Second meeting of the Bureau, Kyiv, 31 January–1 February 2013                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 1 652                          |
| 8.3.10                | Start-up workshop for pilot project on post-project analysis in Belarus with Ukraine, Brest, 9–10 April 2013 (two persons, costs covered by ENVSEC)                                                                                                                                                                                                                                                                                                                                                            | 0                              |
| 8.3.11                | Closing conference of a multi-year project financed by Switzerland to promote EIA in Central Asia and Azerbaijan, Dushanbe, 4–6 July 2013                                                                                                                                                                                                                                                                                                                                                                      | 3 059                          |
| 8.3.12                | Meeting of the Steering Group under the EaP GREEN programme, Tbilisi, 16–17 September 2013 (costs covered by EaP GREEN)                                                                                                                                                                                                                                                                                                                                                                                        | 0                              |
| 8.3.13                | National level training workshop in Ukraine, 1–4 October 2014 (costs covered by EaP GREEN)                                                                                                                                                                                                                                                                                                                                                                                                                     | 0                              |
| 8.3.14                | National level training workshop in Armenia, 26–29 October 2014 (costs covered by EaP GREEN)                                                                                                                                                                                                                                                                                                                                                                                                                   | 0                              |
| 8.3.15                | National round table on implementation of the Convention in Georgia, Tbilisi, 4 November 2013 (costs covered by EaP GREEN)                                                                                                                                                                                                                                                                                                                                                                                     | 0                              |
| 8.3.16                | Third meeting of the Bureau, Athens, 30–31 January 2014 (two persons)                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2 571                          |
| 8.3.17                | Meeting of the Management Group and the Action Implementation and Coordination Meeting under the EaP GREEN programme, Paris, 13 February 2014 (two persons)                                                                                                                                                                                                                                                                                                                                                    | 2 061                          |
| 8.3.18                | Subregional seminar, presenting results on pilot project on post-project analysis with Belarus and Ukraine and capacity-building on SEA (15–16 April 2014), Minsk (costs covered by ENVSEC)                                                                                                                                                                                                                                                                                                                    | 0                              |
| 8.3.19                | Meeting of the international financial institutions working group on environment, Paris, 12–14 May 2014.                                                                                                                                                                                                                                                                                                                                                                                                       | 2 000                          |
| <b>Activity total</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>17 656</b>                  |

<sup>a</sup> Expenditure in italics is estimated.

Table A.7  
**In-kind contributions made**  
(in United States dollars)

| Activity                                               | Priority | Sub-activity                                                                                                                                                                                      | Date                 | Source                                                             | Value <sup>a</sup> | Notes                                                                                                                                                                                          |
|--------------------------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Promotional                                            | 3        | Side event during the Astana EIE Ministerial Conference                                                                                                                                           | 21–23 September 2011 | Switzerland                                                        | 2 000              | Financial support for speaker                                                                                                                                                                  |
| Subregional cooperation and capacity-building          | 3        | Fifth seminar on cooperation on the Espoo Convention in the Baltic Sea subregion, Sopot, Poland                                                                                                   | 27–28 October 2011   | Poland                                                             | 20 000             |                                                                                                                                                                                                |
| Promoting ratification and application of the Protocol | 2        | Workshop to strengthen capacity for the development of EIA and SEA systems in Uzbekistan; sharing experiences with other countries in particular for the implementation of the Protocol, Tashkent | 9–12 November 2011   | GIZ and the United Nations Development Programme (UNDP) Uzbekistan | 15 000             | Trainer fees and travel covered by GIZ, local costs by UNDP                                                                                                                                    |
| Subregional cooperation and capacity-building          | 3        | Sixth seminar on cooperation on the Espoo Convention in the Baltic Sea subregion, Tallinn                                                                                                         | 20–21 September 2012 | Estonia                                                            | 20 000             |                                                                                                                                                                                                |
| Compliance with and implementation of the Convention   | 3        | Technical advice to Belarus on improving legislation to implement the Protocol                                                                                                                    | 2013                 | ENVSEC, with funding from Sweden                                   | 25 000             | National round table consultation meeting held in September 2013 to discuss the preliminary results of the legal review.                                                                       |
| Subregional cooperation and capacity-building          | 3        | Pilot project on post-project analysis with Belarus and Ukraine.                                                                                                                                  | 2013–2014            | ENVSEC, with funding from Sweden                                   | 100 000            | Start-up workshop in April 2013, three meetings of the bilateral working group on monitoring, one meeting of the task force in 2013 and one workshop on public participation in February 2014. |
| Subregional cooperation and capacity-building          | 3        | Subregional meetings                                                                                                                                                                              | 15–16 April 2014     | ENVSEC, with funding from Sweden and EaP GREEN                     | 45 000             | Subregional conference to disseminate results of EIA pilot in Belarus and Ukraine and capacity-building activities in the Eastern Europe and Caucasus                                          |

| Activity                                                      | Priority | Sub-activity                                                                 | Date                | Source                           | Value <sup>a</sup> | Notes                                                                    |
|---------------------------------------------------------------|----------|------------------------------------------------------------------------------|---------------------|----------------------------------|--------------------|--------------------------------------------------------------------------|
| Promoting ratification and application of the Protocol on SEA | 3        | Workshops, including training, on the application of the Protocol in Belarus | October 2013        | ENVSEC, with funding from Sweden | 60 000             | region. Three local level training workshops in Brest, Gomel and Grodno. |
| Promoting ratification and application of the Protocol on SEA | 3        | Workshops, including training, on the application of the Protocol in Ukraine | 1–4 October 2013    | EaP GREEN                        | 34 000             | Four-day national level training workshop.                               |
| Promoting ratification and application of the Protocol on SEA | 3        | Workshops, including training, on the application of the Protocol in Armenia | 26–29 November 2013 | EaP GREEN                        | 22 000             | Four-day national level training workshop.                               |
| Promoting ratification and application of the Protocol on SEA | 3        | Development of legislation on SEA                                            | 2014                | EaP GREEN                        | 15 000             | Financial support for speaker                                            |
| <b>Total</b>                                                  |          |                                                                              |                     |                                  | <b>358 000</b>     |                                                                          |

<sup>a</sup> Values for priority 3 activities not indicated in the current budget (decision V/10) are purely indicative. For ENVSEC and EaP GREEN, the figures are based on the project budget.

Table A.8  
Budget, after decision V/10

(in United States dollars)

| Index                            | Activity                                                           | Priority | Sub-activity | Budget  | Savings | Overspend | Explanation/justification                       |
|----------------------------------|--------------------------------------------------------------------|----------|--------------|---------|---------|-----------|-------------------------------------------------|
| <b>Organizational activities</b> |                                                                    |          |              |         |         |           |                                                 |
| 1                                | Sixth session of the MOP and the second session of the MOP/MOP     | 2        | –            | 90 000  | 0       | 0         | Completed.                                      |
| 2                                | Meetings of the Working Group on EIA and SEA, Geneva.              | 2        | –            | 120 000 | 29 716  | 0         | Completed.                                      |
| 3                                | Meetings of the Bureau (free-standing)                             | 2        | –            | 20 000  | 8 725   | 0         | Completed.                                      |
| 4                                | Meetings of the Implementation Committee                           | 2        | –            | 40 000  | 1 516   | 0         | Completed, with one additional (ninth) session. |
| 5                                | Informal translations of informal papers for meetings listed above | 2        | –            | 65 000  | 55 000  | 0         | Completed.                                      |
| 6                                | Promotion of contacts with countries outside the ECE region        | 2        | –            | 25 000  | 21 584  | 0         | Completed.                                      |
| 7                                | External expert to provide secretariat support for the             | 1        | –            | 450 000 | 53 417  | 0         | Completed.                                      |

| <i>Index</i>                      | <i>Activity</i>                                                                                                                                                                                                                        | <i>Priority</i> | <i>Sub-activity</i>                            | <i>Budget</i>    | <i>Savings</i> | <i>Overspend</i> | <i>Explanation/justification</i>                                                                                                  |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------------------------|------------------|----------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------|
|                                   | implementation of the Convention and the Protocol (including coordination of capacity-development, development and maintenance of website, modification of questionnaire, drafting of review of implementation and of other documents) |                 |                                                |                  |                |                  |                                                                                                                                   |
| 8.1                               | Further secretariat support for the implementation of the Convention and the Protocol                                                                                                                                                  | 2               | Consultants                                    | 60 000           | 48 498         | 0                | Completed. Arranged with limited recourse to the trust fund.                                                                      |
| 8.2                               |                                                                                                                                                                                                                                        | 2               | Promotional materials                          | 30 000           | 30 000         | 0                | Not required.                                                                                                                     |
| 8.3                               |                                                                                                                                                                                                                                        | 2               | Secretariat travel in relation to the workplan | 90 000           | 70 344         | 0                | Completed.                                                                                                                        |
| <b>Substantive activities</b>     |                                                                                                                                                                                                                                        |                 |                                                |                  |                |                  |                                                                                                                                   |
| 9.1                               | Compliance with and implementation of the Convention                                                                                                                                                                                   | 2               | Informal translations of submissions           | 10 000           | 10 000         | 0                | Not required.                                                                                                                     |
| 9.2                               |                                                                                                                                                                                                                                        | 1               | Drafting of review of implementation           | 20 000           | 650            | 0                | Completed.                                                                                                                        |
| 9.3                               |                                                                                                                                                                                                                                        | 2               | Country-specific performance reviews           | 75 000           | 75 000         | 0                | Not required.                                                                                                                     |
| 10                                | Exchange of good practices                                                                                                                                                                                                             | 2               | Workshops or half-day seminars                 | 40 000           | 30 000         | 0                | Out of the four events planned, two half-day events and one full day event completed (with in-kind contributions); one cancelled. |
| <b>Carried forward activities</b> |                                                                                                                                                                                                                                        |                 |                                                |                  |                |                  |                                                                                                                                   |
| 11                                | Subregional cooperation                                                                                                                                                                                                                |                 | Workshop for Mediterranean subregion           | 20 000           | 0              | 0                | Carried forward.                                                                                                                  |
| <b>Total</b>                      |                                                                                                                                                                                                                                        |                 |                                                | <b>1 555 000</b> | <b>434 450</b> |                  |                                                                                                                                   |



## Economic and Social Council

Distr.: General  
19 March 2014

Original: English

### Economic Commission for Europe

Meeting of the Parties to the Convention  
on Environmental Impact Assessment in  
a Transboundary Context serving as the  
Meeting of the Parties to the Protocol on  
Strategic Environmental Assessment

#### Second session

Geneva, 2–5 June 2014

Item 11 (b) of the provisional agenda

**Adoption of decisions: decisions to be taken by the**

**Meeting of the Parties to the Convention serving  
as the Meeting of the Parties to the Protocol**

### Good practice recommendations on public participation in strategic environmental assessment

Note by the secretariat

#### *Summary*

The present recommendations were prepared by the secretariat, with the support of a consultant, in consultation with the Bureau under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment, and taking into account the comments by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its second and third meetings (Geneva, 27–30 May and 11–15 November 2013, respectively). The recommendations aim to support the application of the Protocol's provisions by Parties and future Parties as regards public participation, as well as to illustrate good practice in this field so as to promote early, timely and effective opportunities for such participation.

The recommendations were initially discussed at a meeting on public participation in environmental decision-making (Geneva, 29–30 October 2012), organized jointly with the Convention on Access to Information, Public Participation in Decision-making and

\* Reissued for technical reasons on 4 April 2014.

GE.14-21751



\* 1 4 2 1 7 5 1 \*

Please recycle



Access to Justice in Environmental Matters (Aarhus Convention), in line with decision I/4 of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (see ECE/MP.EIA/SEA/2). They incorporate comments and input from national focal points and experts under the Espoo Convention, the Protocol on Strategic Environmental Assessment and the Aarhus Convention received prior to, during and after the joint meeting. In addition, efforts have been made to ensure consistency between the present draft and the more general recommendations on public participation in environmental decision-making prepared under the Aarhus Convention.

The Meeting of the Parties to the Convention serving as Meeting of the Parties to the Protocol is invited to endorse the recommendations through decision II/8 (see ECE/MP.EIA/SEA/2014/L.1).

## Contents

|                                                                                                                                                                 | <i>Paragraphs</i> | <i>Page</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------|
| I. Introduction to public participation in strategic environmental assessment.....                                                                              | 1-4               | 4           |
| II. Public participation requirements in the Protocol on Strategic Environmental Assessment.....                                                                | 5-6               | 4           |
| III. General principles of public participation in strategic environmental assessment ..                                                                        | 7-18              | 5           |
| A. "The public" and "the public concerned" .....                                                                                                                | 7-9               | 5           |
| B. Effective public participation .....                                                                                                                         | 10-12             | 6           |
| C. Timing .....                                                                                                                                                 | 13-18             | 8           |
| IV. Public participation at different stages of strategic environmental assessment .....                                                                        | 19-39             | 9           |
| A. Screening .....                                                                                                                                              | 20-23             | 9           |
| B. Scoping .....                                                                                                                                                | 24-26             | 11          |
| C. Availability of the draft plan/programme and environmental report .....                                                                                      | 27-28             | 12          |
| D. Opportunity for the public to express its opinions .....                                                                                                     | 29-34             | 13          |
| E. Decision .....                                                                                                                                               | 35-36             | 15          |
| F. Strategic environmental assessment statement .....                                                                                                           | 37-39             | 15          |
| V. Issues regarding public participation in strategic environmental assessment .....                                                                            | 40-48             | 16          |
| A. Participation of disenfranchised people .....                                                                                                                | 40-41             | 16          |
| B. Participation where the relevance of a plan/programme is not obvious .....                                                                                   | 42-46             | 17          |
| VI. Participation in a transboundary context .....                                                                                                              | 47-50             | 18          |
| <b>Annex</b>                                                                                                                                                    |                   |             |
| Public participation requirements in the Protocol on Strategic Environmental Assessment.....                                                                    |                   | 21          |
| <b>Boxes</b>                                                                                                                                                    |                   |             |
| 1. Good practice in identifying the public concerned .....                                                                                                      |                   | 5           |
| 2. Public participation challenges: United States of America .....                                                                                              |                   | 6           |
| 3. Public participation good practice and challenges: British Columbia and Canada .....                                                                         |                   | 7           |
| 4. Good practice for public notification under article 5, paragraphs 3 and 4, article 6, paragraph 3, article 8, paragraph 2, and article 11, paragraph 2 ..... |                   | 10          |
| 5. Good practice example: Slovakia.....                                                                                                                         |                   | 12          |
| 6. Good practice example: Norway.....                                                                                                                           |                   | 13          |
| 7. Good practice example: the Netherlands .....                                                                                                                 |                   | 15          |
| 8. Good practice example: Spain .....                                                                                                                           |                   | 15          |
| 9. Good practice example: Italy .....                                                                                                                           |                   | 18          |
| 10. Good practice example: Ireland and the United Kingdom of Great Britain and Northern Ireland ..                                                              |                   | 20          |

## I. Introduction to public participation in strategic environmental assessment

1. Public participation is a cornerstone of effective strategic environmental assessment (SEA). It can increase the transparency and credibility of decision-making, help ensure that all relevant issues are considered during the plan- or programme-making process and allow the early consideration of the public's opinions in the plan- or programme-making process. In turn, it can mobilize public support for the implementation of the plan or programme.
2. These good practice recommendations aim to improve public participation in SEA as provided for by the United Nations Economic Commission for Europe (ECE) Protocol on Strategic Environmental Assessment (SEA Protocol) to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). They offer a guide to the implementation of SEA Protocol obligations, illustrate good practice and provide ideas for more innovative practice.
3. The recommendations have been prepared in consultation with the Bureau under the Espoo Convention and its Protocol and were discussed at a workshop on public participation in environmental decision-making (Geneva, 29–30 October 2012) organized jointly with the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). They are additional guidance for the application of article 7 of the Aarhus Convention by its Parties, and complement the recommendations on public participation in decision-making in environmental matters prepared under that Convention. They should be read in conjunction with the *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment* (Resource Manual).<sup>1</sup>
4. Throughout this guidance, “must” refers to the SEA Protocol’s and Aarhus Convention’s requirements, and “may” or “could” refer to additional good practice.

## II. Public participation requirements in the Protocol on Strategic Environmental Assessment

5. The SEA Protocol requires the public to be given an opportunity to comment on draft plans or programmes and the associated environmental reports. It also recommends that, to the extent appropriate, Parties endeavour to provide public participation in SEA screening and scoping. Due account of public comments must be taken in decisions about the plan or programme. After the plan or programme is adopted, the public must be provided with information about the adopted plan and the SEA process in an “SEA statement”. (See annex for a list of the Protocol’s public participation requirements.)
6. Article 3 of the SEA Protocol additionally provides a number of general rights to the public, similar to those of article 3 of the Aarhus Convention, including to:
  - (a) Relevant assistance and guidance from officials and authorities;
  - (b) Recognition of and support for relevant associations, organizations or groups (e.g., non-governmental organizations (NGOs));

<sup>1</sup> Online publication (ECE/MP.EIA/17), available from [http://www.unece.org/env/cia/pubs/sea\\_manual.html](http://www.unece.org/env/cia/pubs/sea_manual.html).

- (c) Exercise rights under the Protocol without being penalized, persecuted or harassed, and without discrimination as to citizenship, nationality or domicile.

### III. General principles of public participation in strategic environmental assessment

#### A. "The public" and "the public concerned"

7. The SEA Protocol defines "the public" as "one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups" (art. 2, para. 8). NGOs are thus part of the public. Even where an association, organization or group does not have a legal personality, where national legal frameworks so provide, they may be considered to constitute the public.<sup>2</sup>

8. The SEA Protocol does not define what is meant by "the public concerned", except that it must include relevant NGOs. Here, article 2, paragraph 5, of the Aarhus Convention's definition may be followed, namely "the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest". The same could apply to organizations promoting health.

9. To implement the requirements of article 8, paragraph 3, and to ensure that plan-makers identify the public that should participate in a given SEA, Parties may define in their national legal framework what is meant by:

- (a) The public, as per the SEA Protocol;
- (b) The public concerned, as per the Aarhus Convention (see box 1);
- (c) What constitutes "having an interest in" environmental decision-making;
- (d) The requirements, if any, which environmental NGOs must meet in order to be deemed to "have an interest".

#### Box 1

##### Good practice in identifying the public concerned

When identifying who should be considered as the public concerned with respect to a proposed plan or programme, the plan-making authority could include:

(a) A wide range of interests, ensuring a well-balanced and inclusive involvement of the public. Many decisions with an environmental dimension also involve health, social and economic interests, and the corresponding interest groups could be included in the public participation in an equitable way;

(b) Groups that are hard to reach. Some members of the public may be willing but unable to participate (e.g., disenfranchised groups, such as older and younger people, migrants, people with low literacy). (see sect. V.A and V.B below). Others may be able but unwilling to participate (e.g., people with

<sup>2</sup> Ibid.

previous bad experiences, lack of time, or who see no benefits in participating). Efforts could be made to involve at least organizations representing such groups, as well as groups that are able and willing to participate;

(c) Groups that could potentially hinder the decision-making process, for example strong lobby groups or those that could influence the decision makers. These groups will voice their opinion anyway and it may be more efficient and effective to include them in the discussion at an early stage, to try to understand their concerns, take them into account and possibly find compromises.

#### Box 2

##### Public participation challenges: United States of America

*Collaboration often only involves select local people who can attend SEA meetings on a regular basis and/or professionals from industry, non-profit organizations, or the government, whose expenses and time are covered as part of their jobs. This was a primary criticism of the Beaverhead-Deerlodge Partnership (BDP), a collaboration between United States conservation groups and timber companies to create a forest management plan for the Beaverhead-Deerlodge National Forest in Montana. The process used by BDP was criticized as giving "priority and a privileged voice to self-selected interests in managing national forests" because of the generally exclusive nature of stakeholder deliberations.<sup>3</sup>*

## B. Effective public participation

10. Article 8, paragraph 1, of the SEA Protocol requires public participation in SEA to be "effective". Effective participation means effective from the point of view of both:

(a) *The participants*: participants should be involved early and throughout the planning process, be allowed to fully express their views, and have these views considered by the plan-makers respectfully, seriously and in a spirit of mutual education;

(b) *The plan-makers*: public participation should aim to facilitate useful suggestions that help in the choice of alternatives and improve the plan or programme.

11. Effective opportunities for public participation may be:<sup>4</sup>

(a) *Well planned and focused* on negotiable issues relevant to the plan or programme. The public should know the aims, procedure and expected outcomes of the SEA process;

<sup>3</sup> M. Hourdequin et al., "Ethical implications of democratic theory for U.S. public participation in environmental impact assessment", *Environmental Impact Assessment Review*, No. 35 (2012), pp. 37-44.

<sup>4</sup> The criteria set out in this paragraph are based on P. André et al., "Public Participation: International Best Practice Principles", Special Publication Series No. 4 (Fargo, United States, International Association for Impact Assessment, 2006) and K. Arbter et al., *The Public Participation Manual: Shaping the Future Together* (Vienna, Austrian Ministry of Environment and the Austrian Society for Environment and Technology, 2007).

(b) *Open to mutual gains for planners and participants.* This may require being open to a broader scope than the plan objectives alone, and involve promoting cooperation and consensus rather than confrontation;

(c) *Supportive of participants* through an adequate diffusion of information on the plan or programme and on the planning process. Capacity-building, facilitation and assistance could be provided, particularly for groups that would not otherwise have the capacity to participate and in regions where there is no culture of plan-making;

(d) *Efficient.* Because SEA is resource consuming (human, financial, time) for the public, efficient SEA will ensure more willing participation;

(e) *Open and transparent.* People who are affected by a plan or programme and are interested in participating must be given access to all necessary information and be able to participate in meetings and hearings related to the SEA process. Information and facilitation for such participation could be provided;

(f) *Context-oriented.* Because many communities have their own formal and informal rules for public access to resources, conflict resolution and governance, plan-making could be adapted to the cultural, social, economic and political dimensions of the affected communities;

(g) *Credible and rigorous,* and adhering to established ethics, professional behaviour and moral obligations. Facilitation of public participation by a neutral facilitator — one chosen jointly with the public, or where the public has the right to refuse a particular facilitator — improves the impartiality of the process, reduces tensions and the risk of conflict among participants, increases the confidence of the public to express their opinions and in the final decision and reduces opportunities for corruption. A code of ethics could be adopted;

(h) *Proportional.* The effort put into public participation in an SEA will depend on the characteristics and nature of the proposed plan or programme, and its potential environmental, including health, effects.

#### Box 3

##### **Public participation good practice and challenges: British Columbia and Canada**

*It was clear from examining the one [environmental assessment (EA)] widely considered to be successful by the First Nations, the proponent and the consultants, that sound, positive and respectful relationships were at the heart of why that EA was successful. Conversely, the failure of relationships has been identified by all participants as being at the heart of why the EA process fails, even if the EA itself eventually receives government approval.<sup>5</sup>*

<sup>5</sup> Annie Booth and Norman Skelton, "Improving First Nations' participation in environmental assessment processes: recommendations from the field", *Impact Assessment and Project Appraisal*, vol. 29, No. 1 (March 2011), pp. 49–58.

12. Techniques for effective public participation in SEA may include:

- (a) *Capacity-building*: Explaining planning and SEA processes in a non-technical manner, so that participants understand the main steps of the processes and how their views will contribute to them;
- (b) *Clarifying the relevance of the plan or programme and its impacts*, for instance by focusing on its impacts on people's health;
- (c) *Publication of non-technical summaries* of SEA information in a variety of formats;
- (d) *Use of informal meetings, workshops, and small group discussions* rather than (or in addition to) formal meetings in official government venues or convention centres;
- (e) *Careful use of facilitators* at meetings to ensure that participants are fully respected, are not rushed and have plenty of time to speak, and that silent members' opinions are elicited.

### C. Timing

13. Early and sustained involvement of the public in SEA helps to build trust among participants, improve screening and scoping of the SEA, increase opportunities to modify the plan/programme in response to public comments and opinions, reduce the risk of rumours and give plan-makers more confidence in their decisions. The SEA Protocol requires "early, timely and effective opportunities for public participation, when all options are open" (art. 8, para. 1), "timely public availability of the draft plan or programme and the environmental report" (art. 8, para. 2), and the opportunity for the public to express its opinion on the draft plan or programme and the environmental report "within a reasonable time frame" (art. 8, para. 4). Involving the public in the identification of plan/programme options and the choice of preferred options is likely to be particularly effective, as it helps to meet these conditions and shows the open-mindedness of the plan-makers.

14. "Early" and "timely" mean early and timely from the point of view of the public seeking to participate effectively in the SEA process. These requirements also take into account the characteristics of the proposed plan or programme and its potential environmental, including health, effects.

15. The Protocol does not specify time frames for public participation at various stages of the SEA process. As such, a national framework may set fixed time frames for each phase, or adopt a flexible approach whereby the plan-making authorities are responsible for setting time frames appropriate to the circumstances of that case.<sup>6</sup> The flexible approach allows plan-making authorities to take into account the specific characteristics of the proposed plan/programme. However, it could result in uncertainty and inconsistency between public authorities. Thus, if the flexible approach is to be used, the national legal framework could specify:

- (a) A minimum time for the public to express its opinions on the draft plan/programme and environmental report (art. 8);

<sup>6</sup> See Case C-474/10, *Department of the Environment v. Seaport (NI) Ltd and others*, European Court of Justice, 20 October 2011.

(b) A maximum time after the plan/programme is adopted for the publication of the plan/programme and SEA statement (art. 11, para. 2);

(c) Minimum times for any public participation in screening (art. 5, para. 3) and scoping (art. 6, para. 3).<sup>7</sup> The minimum times will depend on the complexity of the plan and environmental report, but in all cases should allow for a careful examination of the relevant documents and the development of public views on them.

16. The following points could be considered when laying down such time frames:

(a) A complex or national-level plan will require more time than a simple or local level programme. The time frame will also be influenced by characteristics of the public and how the environmental report is presented. It is unlikely that a period of less than four weeks will be a "reasonable time frame" for any plan or programme;

(b) The same time frame could be allowed for comments on the environmental report and on the draft plan/programme. The time frame begins on the day that the plan or programme and its environmental report are made publicly available, and the public is properly and effectively notified of this fact. If, for instance, the environmental report is published a week after the plan is published, then the public participation period starts with the publication of the environmental report.

17. Neither the SEA Protocol nor the Resource Manual specify what is meant by the requirement of the article 8, paragraph 1, to provide opportunities for public participation "when all options are open". All options are no longer open where, for instance, funding has been provided for a component of some options but not others (e.g., a road that facilitates development in a particular area); a public announcement of a preferred option has been made by the competent authority even though the plan or programme has not yet been adopted; or development consent has been given by the public administration to a project, the execution of which otherwise would depend on the plan or programme.

18. The national legal framework could provide for the possibility for repeated opportunities for public participation or for the extension of the time frames, for example:

(a) Where there is doubt that the public concerned has been notified effectively;

(b) Where significant new information comes to light or the circumstances change in some significant way necessitating the public to be provided with a further opportunity to participate.

#### **IV. Public participation at different stages of strategic environmental assessment**

19. The general principles of section III above apply to each of the different stages of strategic environmental assessment as set out below.

##### **A. Screening**

20. At the screening stage, to the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned. "Where appropriate"

<sup>7</sup> See *Good Examples of EIA and SEA Regulation and Practice in five Countries* (Brno, Czech Republic, Justice and Environment, 2008), available from [http://www.justiceandenvironment.org/\\_files/file/2009/06/eia-sea\\_good\\_examples.pdf](http://www.justiceandenvironment.org/_files/file/2009/06/eia-sea_good_examples.pdf).

could include where the public will be particularly affected by the plan or programme, where different groups would be affected differently, where the plan or programme is likely to be contentious, or where innovative solutions are sought. If a plan or programme is not expected to require SEA, then involving the public at the screening stage may avoid later accusations that the plan or programme was prepared without the full range of necessary information.

21. Annex III to the SEA Protocol provides criteria for determining the likely significant environmental, including health effects, of a plan or programme. A screening document containing information according to annex III could be produced. Screening questions related to annex III could elicit information from the public that is not otherwise readily available. These may include:

(a) Would projects resulting from the plan/programme have a significant effect on the environment, including health? (annex III, para. 2);

(b) Are there existing environmental, including health, problems in the area that could be affected by the plan/programme? (annex III, para. 4);

(c) Could the plan/programme have significant environmental, including health, effects? (annex III, para. 5);

(d) Could the plan/programme have a significant environmental, including health, effects on residents of another country? (annex III, para. 7);

(e) Could the plan/programme affect a valuable or vulnerable area? (annex III, para. 8).

22. If Parties find it appropriate to provide opportunities for public participation in screening, then the public could be notified of these opportunities as set out in box 4 below.

#### Box 4

#### **Good practice for public notification under article 5, paragraphs 3 and 4, article 6, paragraph 3, article 8, paragraph 2, and article 11, paragraph 2**

1. Under article 8, paragraph 1, notification must be "early, timely and effective" (see sect. III above).

2. Public notice could be placed on the website and/or the public noticeboard of the public authority competent to take the decision. This could be supplemented with other active forms of notification, including:

(a) Public notice in the mass media (radio, television, newspapers) corresponding to the geographical scope of proposed activity (from international to local). It may be more effective to publish the notification in a popular daily local newspaper rather than in a weekly official journal, and in media with larger rather than smaller circulations;

(b) Public notices on noticeboards in places highly frequented by the public concerned and customarily used for the purpose (e.g., at community halls, schools, post offices, etc.);

(c) An article in a newsletter put out by the planning authority;

(d) Mail shots/individual notification.

3. The notification of the public could address:

(a) The opportunities for the public to participate, taking care to describe the scope of the public's ability to influence the outcome realistically so as to avoid exaggerated expectations;

(b) An overview of the public participation process, including a summary of the most important information;

(c) The precise details as to where to submit comments or questions;

(d) The timeline for the transmittal of comments or questions, taking into account that the means of notification used may have an impact on the timing for the notification to effectively reach the public concerned;

(e) The means by which comments or questions can be submitted (orally or in writing, electronically, etc.);

(f) How the plan/programme affects, and is affected by, other plans/programmes and projects.

4. Public authorities could ensure that the notification and all accompanying information remain available to the public throughout the public participation process, so that members of the public learning of the planning and SEA processes later on still have access to all the information they need to be able to participate effectively.

23. Regardless of whether a plan or programme is found to require SEA, article 5, paragraph 4, requires that information on the screening outcome must be made available to the public in a timely manner. The recommendations for public notification set out in box 4 could also be followed for this.

## B. Scoping

24. Determination of the relevant information to be included in the environmental report — scoping — must include consideration of “the interests of the public” (art. 7, para. 2 (c)), and “to the extent appropriate” each Party shall endeavour to provide opportunities for the participation of the public concerned in scoping (art. 6, para. 3). It may also be useful to identify and inform any other affected Parties at the scoping stage, so that they can consult their public on the scope of the SEA if appropriate. If Parties find it appropriate to provide opportunities for public participation in scoping, then the public could be notified of these opportunities in accordance with the recommendations in box 4.

25. A scoping document containing relevant aspects of annex IV of the SEA Protocol — for instance, the main objectives and draft contents of the plan, relevant aspects of the current state of the environment, relevant environmental problems and environmental objectives — could be produced. Scoping questions related to annex IV that take into account the interests of the public (art. 7, para. 2) could elicit information from the public that is not otherwise readily available. These may include:

(a) What current environmental, including health, aspects and problems are of particular concern? Which are not of particular concern? (annex IV, paras. 2 and 4);

(b) What areas are likely to be significantly affected by the plan/programme? What aspects of the current state of the environment, including health, should be identified and described for these areas? What areas are not likely to be significantly affected? (annex IV, para. 3);

(c) What environmental, including health, objectives — particularly those established at the local level — are relevant to the plan/programme? (annex IV, para. 5);

(d) What are likely significant environmental, including health, effects of the plan/programme? Which are unlikely? (annex IV, para. 6);

(e) What measures to prevent, reduce or mitigate any significant adverse effects on the environment, including health, resulting from the plan/programme should be considered? (annex IV, para. 7);

(f) What reasonable alternatives to the plan/programme should be considered? (annex IV, para. 8, and art. 7, para. 2);

(g) What are likely significant transboundary environmental, including health, effects of the plan/programme? What effects are unlikely to be significant? (annex IV, para. 10).

#### Box 5

#### Good practice example: Slovakia

The SEA of the Slovak Energy Policy 2000 started at the initial phase of policy preparation. The Ministry of Economy developed an outline energy policy for comment by NGOs, then a discussion document for parliamentary meetings. Once a draft energy policy was available, its availability was notified in the *Economic News* (Hospodárske noviny), and the full text was made available on the Internet and at Government offices. Two months were allowed for public review and submission of comments on the SEA scope. More than 400 comments were received.<sup>8</sup>

26. To ensure that all the issues that are important to the public are covered in the SEA, it is better to include more rather than fewer topics.

### C. Availability of the draft plan/programme and environmental report

27. Public availability of documents implies:

(a) Notification that the documents are available for perusal, following the recommendations of box 4;

(b) Barrier-free availability of the documents.

28. Barrier-free availability of documents could include:

(a) Providing the information in a range of means, including at least electronic and printed forms;

(b) Presenting the information in a clear, concise and non-repetitive form, and with a non-technical summary;

(c) Tailoring the information provided and the means of communication to the target groups;

(d) Presenting the information in a simple and accessible way, including in a language that the public — including relevant ethnic minorities or migrants — can understand. Where a large proportion of the population uses a different language as their

<sup>8</sup> Barry Dalal-Clayton and Barry Sadler, *Strategic Environmental Assessment: A Sourcebook and Reference Guide to International Experience* (London and Sterling, Virginia, Earthscan, 2005).

main or only form of communication, then relevant parts of the documents could be translated into that language;

- (e) Good quality presentation, i.e., easy to read or hear;
- (f) Providing accurate, reliable and balanced information which presents different aspects of the topic and avoids any manipulation;
- (g) Providing the environmental report in convenient locations, for instance in libraries, schools, post offices or government offices. It is good practice for opening hours for these locations to be adequate and clearly posted, and for a clear work surface and privacy to be provided so that readers can concentrate and take notes;
- (h) Allowing the public to examine SEA-related information free of charge. The public must be able to receive copies of information upon request, at a reasonable charge or no charge. It is recommended that when public authorities intend to charge a fee for copying information, the schedule of costs is made available in advance and in a prominent place. The public could be allowed to make copies on-site using their own means of copying, free of charge, including taking digital photographs of relevant documentation;
- (i) Following the recommendations in paragraph 41 below for disenfranchised people.

**Box 6**

**Good practice example: Norway**

To increase public participation in the development of the Nordland County Council (Norway) regional climate plan 2010, planners prepared an abridged version of the plan, published letters in local newspapers encouraging people to participate and used Facebook, Twitter and blogging. Planners also went on a month-long tour of Nordland in an electric vehicle. They used everyday items such as wellies and wine gums (representing climate refugees) to start discussions; debated climate and energy issues in general and related these issues to local matters; and attracted people by serving waffles and drinks. As a result, general awareness of the plan was raised, many comments on the plan were received, people were positive about meeting Council officers and Nordland County Council is now associated with climate and energy issues.

#### **D. Opportunity for the public to express its opinions**

29. Article 8, paragraph 4, of the SEA Protocol requires Parties to ensure that the public concerned has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame. The public could also be given opportunities to gain further information, discuss or ask questions on the draft plan or programme and environmental report. These could include displays and exhibits (unstaffed and staffed), information hotlines (telephone or Internet), public hearings and workshops. The Resource Manual discusses the advantages and disadvantages of these approaches. Planning officers and/or consultants hired by them could help the public in examining the SEA documents, for example by explaining the information and its relevance to the decision-making process. They could focus on complex and uncommon concepts and anticipate possible questions from the public.

30. The public are entitled to submit any opinions on the draft plan/programme and environmental report that they consider relevant, free of charge and without undue

formalities. The public are not required to provide any evidence as to the sources of information they used, or any justifications and/or reasoning for their views. However, such sources may improve the evidence in the environmental report and hence lead to a knowledge-based decision.

31. Written opinions by the public may be submitted either to the plan-making authority or appropriate impartial body acting under the direction of that authority. If the latter approach is used, that body could collate all opinions received and deliver them in their entirety — not only in an aggregated form — to the responsible public authority. Parties could establish clear procedures for the submission of written opinions by the public during the entire period of time envisaged for public participation, including before, during or after any public hearings.

32. Public hearings or inquiries in which the public may submit oral opinions may be an effective form of public participation. One or more such hearings could be held when merited by:

- (a) The scale and geographical scope of the plan or programme and/or its impact;
- (b) The controversial or high-profile nature of the plan or programme;
- (c) Issues and opinions arising out of public participation;
- (d) The range or location of the public concerned;
- (e) A need by the competent authority to ask direct questions of witnesses so as to clear up misunderstandings, more clearly understand public views, or allow cross-examination of conflicting views;
- (f) The need for the public to express their opinions in oral rather than written form.

33. Any hearing or inquiry should:

- (a) Be organized in a convenient location for the public concerned, and in a venue that is suitable for the purpose;
- (b) Be at a convenient time to ensure participation of the full range of the public;
- (c) Be notified sufficiently in advance so that the public is able to prepare to participate effectively;
- (d) Allow sufficient time and provide fair and proportionate opportunities for all major interests to be heard;
- (e) Provide an appropriate balance between time devoted to the provision of background information and time devoted to questions and discussion;
- (f) Allow the public to express their opinions — in oral form only if they wish — without having to have legal representation;
- (g) Allow opportunities for the public to distribute written statements and corroborating evidence, and to present evidence through the testimony of witnesses.

34. Other additional ways for the public to express their opinion could be considered, including printed material inviting comments, Internet or web-based consultations, questions and response sheets, surveys, workshops and advisory committees. The Resource Manual discusses advantages and disadvantages of these approaches.

## Box 7

**Good practice example: the Netherlands**

The SEA for the Netherlands Zuiderzee railway line:

*contributed to an extensive process of consultation which left stakeholders feeling included and that their views were being taken seriously. This served as an incentive for them to reflect on their own frames and to include the interests of others in their preference for various options. The public discussion about possible routes for the railway extended over many hearings in which stakeholders and experts met. The project bureau tried actively to stimulate dialogue about these options between these groups. The fact that there were multiple possible routes might have helped in reassuring residents that the alternative that was closest to their own backyards was only one of many that might be chosen.<sup>9</sup>*

**E. Decision**

35. Decision makers must “take due account” of comments from the public when the plan or programme is adopted. This does not mean that all suggestions must be followed, but that comments should be considered respectfully, seriously and in a spirit of mutual education.

36. It is good practice for planning authorities to document how public comments were taken into account, what changes were made to the plan or programme, or, if no changes were made, explaining why not. Decision makers could refrain from simply stating that a comment has been “noted” (or similar), as this does not indicate that they have taken due account of the comment.

## Box 8

**Good practice example: Spain**

Participation in Spain's Sustainable Rural Development Programme led to nearly 700 responses, and nearly 1,200 suggestions for improving the programme. Of these, 46 per cent were about the programme actions, SEA and rural strategy, and 85 per cent of these suggestions were accepted. They included guaranteed treatment of waters for all natural protected areas, enforcement of environmental issues and guaranteed public participation at local and regional levels of decision-making.

**F. Strategic environmental assessment statement**

37. Once the plan or programme is adopted, decision makers must provide the public — not just the public concerned, and specifically including the transboundary public — with information about the adopted plan or programme, and how the SEA process has informed

<sup>9</sup> A. van Buuren and S. Nooteboom “The success of SEA in the Dutch planning practice: How formal assessments can contribute to collaborative governance”, *Environmental Impact Assessment Review* vol. 30, No. 2 (2005), pp. 127–135.

and influenced it (SEA statement). The SEA statement must, inter alia, include information about how public comments have been taken into account: the approach in paragraph 36 above could be used for this.

38. The public could be notified of the availability of these documents as set out in box 4. Document "availability" could be interpreted in accordance with paragraphs 27 and 28 above. The public could also be given information on the consequences of the adoption of the plan or programme, and on legal remedies against the plan or programme if they exist in the national legal system.

39. The SEA Protocol does not specify how soon after the adoption of the plan or programme the required information must be made available. However, good practice suggests that a reasonable period could be within a month of the plan adoption.

## **V. Issues regarding public participation in strategic environmental assessment**

### **A. Participation of disenfranchised people**

40. People who are traditionally disenfranchised from SEA may include the elderly, the young, the disabled, the poor, minorities and people living in remote locations. Individuals from these groups could face particular problems in using or accessing the Internet; reading long and technical documents; or engaging in formal or professional situations. Traditionally, their views may not have been taken seriously. As a result, they may feel unwilling or unable to express their views in standard forums.

41. All of the public concerned, including disenfranchised people, must be given an effective opportunity to participate in screening and scoping where appropriate, and to express their opinion on the draft plan or programme and the environmental report. The SEA Protocol does not specify how opinions should be expressed, but specifies that the opportunity must be "effective". In addition to the approaches discussed at paragraphs 11 and 12, this may require the use of different techniques for public participation than those of typical plan-making and SEA. Depending on the group, this could include:

(a) Publication of non-technical summaries and relevant parts of the environmental report in a variety of formats, for instance in minority languages, Braille, and social media;

(b) Holding meetings in local, remote or rural locations as well as larger, central, urban locations;

(c) Actively encouraging disenfranchised groups to participate in the SEA process, for instance by posting notices in specific communities, having stalls or giving talks at events run by specific groups, or requesting their participation via community leaders;

(d) Involving pre-existing groups and representatives of disenfranchised people. These groups and representatives may already have acquired an understanding of the planning and SEA processes and be able to participate in more traditional ways; will know best how to communicate with disenfranchised people; may have ideas about who could be involved in participatory processes; and may be able to use non-traditional ways of disseminating information and collecting people's views;

(e) Providing financial resources where effective public participation would otherwise be hampered by lack of resources. European Union (EU) member States can use

EU funding for capacity-building of NGOs for SEAs on plans or programmes where EU co-financing is involved, such as the Operational Programmes for Cohesion Policy.

## **B. Participation where the relevance of a plan or programme is not obvious**

42. For plans or programmes related to sparsely populated areas, for instance marine plans or plans for new towns, the public concerned may be limited or not obvious. Indeed, development in such areas may be viewed by the rest of the public as a way of avoiding the need to develop closer to where people live. In such cases, comparison of alternatives, including the "business as usual" scenario, could be particularly important. This may show that development in more populated areas, where there will be more public opposition, would nevertheless have fewer significant environmental or health effects than development in the sparsely populated area.

43. In such cases opinions could be sought from organizations that represent the interests of the sparsely populated area, including environmental and health NGOs, or organizations that are familiar with and sympathetic to the unique aspects of the area (e.g., groups representing rural interests). A wide range of views could be sought.

44. Members of the public may also struggle to see the relevance of some plans/programmes, particularly strategic, national level plans, to their lives even though these plans may end up significantly affecting them. For instance, a national transport plan may directly lead to a new road or airport being built near somebody's house, but without knowing the plan contents the householder may not feel that the plan relates to them. Lack of public participation at this stage may not indicate lack of interest or concern about the plan's impacts, but rather a lack of understanding of the relevance of the plan. If this issue is not addressed up front, it could result in the media or politicians identifying the issue and conveying it in a sensational manner; or in the public subsequently finding out, feeling betrayed, and delaying the plan's implementation through protests or legal challenges.

45. Where a plan or programme could have significant impacts but these are not obvious to the public, Parties could put measures in place to ensure that the public becomes aware of these impacts. Proactive measures for dealing with this issue may include:

(a) Publication of environmental reports for sub-areas of the plan or programme, as well as for the plan or programme as a whole;

(b) Requesting local-level government organizations to identify plan issues that could particularly affect their constituents and to notify the constituents of these issues early in the consultation process;

(c) Public notices tailored to sub-areas of the plan or programme, which make the public aware of aspects of the plan/programme that could particularly affect them.

46. Many plans or programmes will affect future generations. Clearly, it will not be possible for future generations to participate directly in the SEA process, but the interests of future generations could be represented, for instance, by:

(a) Involving young people, or people who represent their interests;<sup>10</sup>

(b) Involving people with a specific remit to represent future generations;

<sup>10</sup> Children and youths are one of the nine United Nations Environment Programme stakeholder groups

(c) Focusing in the SEA process on long-term impacts, non-renewable resources, genetic pools, environmental limits and standards, and resilience;

(d) Using participatory scenario techniques to identify possible long-term impacts of the plan or programme, and discussing possibilities to mitigate or deal with such impacts.

**Box 9**

**Good practice example: Italy**

The Italian programme "La città dei bambini" (children's city) proposes a major shift in thought: substitute the child for the average citizen, an adult worker. This does not necessarily mean providing more child services, but that the viewpoint of local administrators should be lowered to a child's level so as to include everyone. The presence of children in public spaces, especially children without adult supervision, acts as an "environmental indicator". One approach is to involve children aged 6–11 in a children's council that recommends improvements to mayors. In Fano, requests have included closing certain streets to traffic, freer access to sports installations, use of squares as places to play and the creation of new play areas.<sup>11</sup>

## **VI. Participation in a transboundary context**

47. Article 10, paragraph 3, of the SEA Protocol requires transboundary consultation where the "Party of origin" that causes the impacts considers that the implementation of a plan or programme is likely to have significant transboundary effects;<sup>12</sup> or where a party likely to be significantly affected (the "affected Party") so requests. The public (including NGOs) of the affected Party could be treated as favourably as the public in the Party of origin, and the recommendations of sections III to V above apply as appropriate to the public of the affected Party. The SEA Protocol requires transboundary consultation only from the environmental report stage onwards, but it is good practice to also involve the transboundary public at earlier stages.

48. The Espoo Convention makes both the Party of origin and the affected Party responsible for the distribution of environmental information to the public and collection of comments from the public in the transboundary environmental impact assessment (EIA) of projects. A similar approach was taken for SEA, as provided in article 10, paragraph 4, of the SEA Protocol. Most Parties already have an established point of contact for transboundary public consultations on EIA, and the same point of contact could be used for SEA, in line with decision I/2 of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (see ECE/MP.EIA/SEA/2). A possible approach is for the Party of origin to submit the draft plan or programme and the environmental report to the affected Party so that it could inform its own public; public comments could then be submitted either directly to the competent authority of the Party of origin or collated by the affected Party and sent to the Party of origin.

<sup>11</sup> See <http://www.childfriendlycities.org/> and <http://www.lacittadeibambini.org/pubblicazioni/Cittabambini.pdf>.

<sup>12</sup> The criteria set out in annex III of the SEA Protocol can assist with this.

49. Matters which may be discussed and implemented jointly between the Party of origin and the affected Party when planning the transboundary consultation process for a particular SEA could include:

- (a) Who the public concerned is, including NGOs;
- (b) How consultations are carried out, including timing and details of notification;
- (c) Establishment of an SEA steering group or sounding board comprised of representatives of the public from both Parties;
- (d) What materials will be made available by the Party of origin and when;
- (e) Translation of documents, interpretation during any meetings and/or running of meetings by officials who are fluent in the main language of the affected Party;
- (f) How to deal with any cultural issues, disenfranchised groups, etc.;
- (g) Time frames for the public to respond, so that they are realistic both from the participants' and the planning authorities' point of view, taking into account issues such as different countries' holidays;
- (h) How the Parties are informed of the consultations outcomes and their use.

50. Parties could put in place arrangements with other countries or regions, in particular with neighbouring or downstream countries, to facilitate the reciprocal participation of the public in those countries in SEA. This could use existing systems of transboundary consultation or not; and be on an ad hoc basis or by forming a permanent working group. Such arrangements may cover:

- (a) Timing of public participation. Other affected Parties could be identified and notified at the SEA screening or scoping stage, since notification under article 10 of the Protocol might otherwise come too late to influence key aspects of the environmental report;
- (b) Time frames for public participation. The time frames for public participation that involves a transboundary element could be at least as long as for those that do not in order to account for cultural and communication problems. For project EIA, the notification period generally ranges from two weeks to three months, with an average of about one month; and the comment period ranges from three weeks to three months, with an average of about two months.<sup>13</sup> SEA could have similar time frames. The timescale for public participation begins when the relevant documents become available to the public concerned and the public is notified of this fact in the affected Party, not when they are made available by the Party of origin to the affected Party;
- (c) Mechanisms for notifying the public about the commencement of the plan-making process, their possibilities to participate and, in due course, the decision taken;
- (d) Translation of documents and interpretation during meetings. The Implementation Committee under the Espoo Convention recommends that, to provide to the public of the affected Party the same opportunity to comment as the public of the Party of origin, relevant parts of the environmental report could be translated into a language that the public of the affected Party can understand.<sup>14</sup> This includes at least the non-technical

<sup>13</sup> See *Review of implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (2006-2009)* (ECE/MP.EIA/16).

<sup>14</sup> ECE, *Opinions of the Implementation Committee (2001-2010)* (October 2011). Available from [http://www.unece.org/env/eia/pubs/ic\\_opinions\\_2010.html](http://www.unece.org/env/eia/pubs/ic_opinions_2010.html).

summary and relevant parts of the environmental report. The Committee also recommends that the environmental report should include a separate chapter on transboundary impacts to facilitate translation; and that, unless otherwise provided for, the burden of translation should fall on the Party of origin. Similar arrangements could be used for SEA;

(e) What action the Party of origin will take if the affected Party does not convey its public's opinions within the agreed time frame.<sup>15</sup> Public participation is not effective and timely, as required by article 8, paragraph 1, of the SEA Protocol, if the public's views are not forwarded punctually by the affected Party to the Party of origin.

Box 10

**Good practice example: Ireland and the United Kingdom of Great Britain and Northern Ireland**

The Irish Lough Agency is a cross-border Irish-United Kingdom agency that aims to promote the development of Lough Foyle and Carlingford Lough (water bodies) for commercial and recreational purposes in respect of marine, fishery and aquacultural matters. It runs joint public consultation processes for new regulations regarding the loughs, consistent with both countries' legal requirements for consultation, and treating both countries' publics equally.

<sup>15</sup> Parties' responses to this problem vary widely (see ECE/MP.EIA/16).

**Annex**

[English only]

**Public participation requirements in the Protocol on Strategic Environmental Assessment****Screening**

*Article 5, paragraph 3:* To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.

*Article 5, paragraph 4:* Each Party shall ensure timely public availability of the conclusions pursuant to paragraph 1, including the reasons for not requiring a strategic environmental assessment, whether by public notices or by other appropriate means, such as electronic media.

**Scoping**

*Article 6, paragraph 3:* To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.

**Environmental report**

*Article 7, paragraph 2:* The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives. The report shall contain such information specified in annex IV as may reasonably be required, taking into account . . . the interests of the public.

**Public participation**

*Article 8, paragraph 1:* Each Party shall ensure early, timely and effective opportunities for public participation, when all options are open, in the strategic environmental assessment of plans and programmes.

*Article 8, paragraph 2:* Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.

*Article 8, paragraph 3:* Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.

*Article 8, paragraph 4:* Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.

*Article 8, paragraph 5:* Each Party shall ensure that the detailed arrangements for informing the public and consulting the public concerned are determined and made publicly available.

For this purpose, each Party shall take into account to the extent appropriate the elements listed in annex V.

### **Transboundary consultations**

*Article 10, paragraph 4:* Where [transboundary] consultations take place, the Parties concerned shall agree on detailed arrangements to ensure that the public concerned and the authorities referred to in article 9, paragraph 1, in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame.

### **Decision**

*Article 11, paragraph 1:* Each Party shall ensure that when a plan or programme is adopted due account is taken of ... the comments received in accordance with articles 8 to 10.

*Article 11, paragraph 2:* Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities referred to in article 9, paragraph 1, and the Parties consulted according to article 10 are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received in accordance with articles 8 to 10 have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.

---



## Economic and Social Council

Distr.: General  
20 March 2014

Original: English

### Economic Commission for Europe

Meeting of the Parties to the Convention  
on Environmental Impact Assessment in  
a Transboundary Context serving as the  
Meeting of the Parties to the Protocol on  
Strategic Environmental Assessment

#### Second session

Geneva, 2–5 June 2014

Item 6 of the provisional agenda

**Review of compliance, implementation and work done  
by the Implementation Committee**

### Draft first review of implementation of the Protocol

#### Note by the secretariat

##### *Summary*

At its first session (Geneva, 20–23 June 2011), the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment decided that a draft review of the implementation of the Protocol based on reports by Parties would be presented at its second session for adoption (ECE/MP.EIA/SEA/2, decision V/7–I/7, para. 5).

This note presents the draft first review prepared by the secretariat with the support of a consultant. The draft review has been finalized taking into account the comments made during and after the third meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment (Geneva, 11–15 November 2013).

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol is invited to adopt the draft review through decision II/I.

GE.14-21411



\* 1 4 2 1 4 1 1 \*

Please recycle



## Contents

|                                                                           | <i>Paragraphs</i> | <i>Page</i> |
|---------------------------------------------------------------------------|-------------------|-------------|
| I. Introduction.....                                                      | 1-8               | 3           |
| A. Preparation of the review.....                                         | 3-6               | 3           |
| B. Main findings of the review.....                                       | 7-8               | 3           |
| II. Summary of responses to the questionnaire.....                        | 9-47              | 4           |
| A. Article 2: Definitions.....                                            | 9-13              | 4           |
| B. Article 3: General provisions.....                                     | 14-15             | 5           |
| C. Article 4: Field of application.....                                   | 16-20             | 5           |
| D. Article 5: Screening.....                                              | 21-25             | 7           |
| E. Article 6: Scoping.....                                                | 26                | 8           |
| F. Article 7: Environmental report.....                                   | 27-28             | 8           |
| G. Article 8: Public participation.....                                   | 29-32             | 8           |
| H. Article 9: Consultation with environmental and health authorities..... | 33-35             | 9           |
| I. Article 10: Transboundary consultations.....                           | 36-40             | 10          |
| J. Article 11: Decision.....                                              | 41-44             | 11          |
| K. Article 12: Monitoring.....                                            | 45-46             | 12          |
| L. Article 13: Policies and legislation.....                              | 47                | 12          |
| III. Practical application during the period 2010-2012.....               | 48-67             | 12          |
| A. Domestic and transboundary implementation.....                         | 48-49             | 12          |
| B. Cases during the period 2010-2012.....                                 | 50-53             | 13          |
| C. Experience with the strategic impact assessment procedure.....         | 54-60             | 14          |
| D. Cooperation between Parties.....                                       | 61                | 16          |
| E. Experience regarding guidance.....                                     | 62-65             | 16          |
| F. Awareness of the Protocol.....                                         | 66                | 17          |
| G. Suggested improvements to the report.....                              | 67                | 18          |

## I. Introduction

1. This document presents the first review of the implementation of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). It examines responses to a questionnaire on countries' implementation of the Protocol in the period 2010–2012.
2. This chapter describes the preparation of and the major findings from the review. Chapter II below summarizes the responses to the questionnaire regarding the legal, administrative and other measures taken by Parties to implement the Protocol. Chapter III describes the practical application of the Protocol during the period 2010–2012.

### A. Preparation of the review

3. The draft first review of implementation of the Protocol has been prepared in line with the workplan adopted by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its first session (ECE/MP.EIA/SEA/2, decision V/9–I/9). Parties reported on their implementation by means of a questionnaire produced by the Implementation Committee under the Convention and the Protocol and approved by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment. Based on the completed questionnaires, the secretariat, with the assistance of a consultant, prepared the draft review set out in this document for consideration by the Working Group in November 2013 and by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its second session (Kyiv, 2–5 June 2014).
4. Completed questionnaires were received by 15 July 2013 from 19<sup>1</sup> of the 25 Parties. Bosnia and Herzegovina also provided responses, although it is not yet a Party. The completed questionnaires are available on the Convention website<sup>2</sup> and are reflected in this draft review.
5. Luxembourg, Montenegro, Portugal, Serbia and Slovenia failed to submit a completed questionnaire on time. The European Union (EU) is a Party to the Protocol but, being a regional economic integration organization rather than a State, felt it inappropriate to report.
6. The numbers indicated in italics within parentheses refer to the questions in the questionnaire on the implementation of the Protocol, e.g., (14) refers to question 14 in the questionnaire.

### B. Main findings of the review

7. An analysis of the information provided in the completed questionnaires revealed that a majority of Parties undertook strategic environmental assessment (SEA) for plans and programmes. However, since the Protocol is relatively recent,<sup>3</sup> experience with its application was still relatively limited.

<sup>1</sup> Albania, Armenia, Austria, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Lithuania, Netherlands, Norway, Poland, Romania, Slovakia, Spain and Sweden.

<sup>2</sup> See [http://www.unece.org/env/cia/implementation/review\\_implementation.html](http://www.unece.org/env/cia/implementation/review_implementation.html).

<sup>3</sup> The Protocol was adopted in Kyiv in May 2003 and it entered into force in July 2010.

8. Possible weaknesses or shortcomings and areas for further improvement in the Protocol's implementation by Parties identified included:

- (a) A frequent lack of definition and different understanding of several key terms used in the Protocol, such as "plans and programmes", "environmental, including health, effect", "small areas at local level", "minor modifications", "significant impact" and "reasonable alternatives";
- (b) Difficulties related to the identification of plans and programmes that are within the field of application under article 4;
- (c) Difficulties related to the determination of the contents and the level of detail of the environmental report, according to article 7 (para. 2 (b));
- (d) Some confusion as to the contents of the final decision (art. 11) and in particular with respect to whether it should contain requirements relating to monitoring;
- (e) A possible need to clarify the requirements and responsibilities regarding monitoring (art. 12);
- (f) The need for bilateral agreements or other arrangements to facilitate transboundary consultations between Parties, in particular to address language-related issues, time frames, public participation and the interpretation of various terms;
- (g) A continuing need to improve awareness and capacity in the implementation of the Protocol, including to clarify responsibilities of the authorities involved, e.g., with respect to consultations and public participation;
- (h) A frequent lack of a central registry or database of national SEA procedures made reporting on SEAs by sector difficult.

## II. Summary of responses to the questionnaire

### A. Article 2: Definitions

9. Parties indicated whether the definitions for certain terms in their legislation were the same as those provided in article 2 of the Protocol.

10. For "plans and programmes" (1) (art. 2, para. 5), seven Parties (Albania, Bulgaria, Croatia, Germany, Hungary, Norway, and Sweden) responded positively. Eight Parties (Czech Republic, Denmark, Estonia, Finland, Lithuania, Romania, Slovakia and Spain) indicated that the definition was basically the same, but with some differences. Estonia's legislation, for example, referred to "strategic planning documents". Hungary had three definitions of the terms, with one of them being the exact translation of the definition in the Protocol and the other two providing more details, e.g., for plans and programmes co-financed by the EU. In Armenia the definition was not the same, and made no reference to a formal procedure required for its adoption. The Netherlands had no definition of the term in its legislation.

11. Several Parties (Bosnia and Herzegovina, Denmark, Lithuania, Norway, Poland, Romania and Spain) indicated that they had no definition of "environmental, including health, effect" (art. 2, para. 7) (2). Other Parties (Albania, Croatia, Czech Republic, Germany, Hungary, Slovakia and Sweden) affirmed that the definition in their legislation corresponded to that provided in the Protocol. Bulgaria, Estonia, Finland and the Netherlands reported that the definition was "similar but with some differences", although consistent with the Protocol. Norway noted that the term was indirectly defined within the criteria for deciding whether or not to conduct an SEA, and in the requirements for the

content of the SEA. In addition to the elements in the article 2, paragraph 7, Norway's definition referred to "aesthetics, risks and vulnerability" and to "the availability of space for children to play". Bulgaria's legislation referred to "any direct effect on the environment that may be caused by the implementation of a development proposal ..., including the effect on human health and safety, flora, fauna, soil, air, water, climate, landscape, historical monuments and other physical structures or the interaction among these factors".

12. In the majority of responding Parties (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Norway, Poland, Romania, Slovakia, Spain and Sweden) the definition of "the public" according to article 2, paragraph 8, was the same in their legislation as in the Protocol (3). Austria, Denmark, Estonia, Finland, Germany, Hungary and Lithuania indicated that there were some differences. For example, in Germany, the term was defined as an "individual or several natural or legal persons or associations of these persons." In Estonia, the SEA programme specified the persons and authorities that might be affected by or interested in the strategic planning documentation. In line with its legislation, each interested person, including also non-governmental organizations (NGOs) and persons whose rights might be affected by the plan or programme, can participate in SEA. Armenia and the Netherlands did not have a definition of the term in their legislation.

13. The majority of respondents (Armenia, Austria, Bosnia and Herzegovina, the Czech Republic, Denmark, Estonia, Finland, Germany, the Netherlands, Norway, Poland, Romania, Slovakia and Sweden) noted that there were no conditions for NGOs to be able to take part in the assessment procedure (4). In Spain, the NGOs should have as their main purpose environmental protection and be in operation for at least two years to participate.

## **B. Article 3: General provisions**

14. Parties described their legislative, regulatory and other measures to implement the Protocol (article 3, para. 1) (5). Twelve Parties (Albania, Czech Republic, Denmark, Estonia, Finland, Germany, Netherlands, Poland, Romania, Slovakia, Spain and Sweden) had adopted a specific law on SEA, while in several other Parties provisions on SEA had been incorporated into other national laws. In addition to laws, 10 Parties also referred to regulations. Lithuania only mentioned its regulation. Austria reported that it had transposed the Protocol's requirements into its existing acts or passed new ones both at the federal and provincial levels. Denmark and Finland also noted that they had prepared implementation guidance.

15. According to article 3, paragraphs 6 and 7, Parties must ensure that persons can exercise their rights under the Protocol without any persecution or discrimination. Armenia, Austria, Finland, Poland and Romania reported that this right was granted by the Constitution. In Albania, Croatia, the Czech Republic, Denmark and Sweden it was reflected in specific laws related directly or indirectly to SEAs (6). Bulgaria, Estonia, Hungary, Lithuania, the Netherlands, Norway, Slovakia and Spain noted that this right was provided both in the Constitution and individual laws, notably in those reflecting the requirements of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). In Germany, the right was included in its legislation on SEA.

## **C. Article 4: Field of application**

16. The respondents listed the types of plans and programmes that required SEA under their national legislation. In the majority of Parties this list covered the sectors as provided

in article 4, paragraph 2 (7). Others indicated additional fields of application such as gamekeeping (Czech Republic), health (Armenia), and noise action plans (Germany).

17. Sweden noted that the types of plans and programmes were specified in its environmental impact assessment (EIA) ordinance. Lithuania identified four cases when the assessment was obligatory: (a) depending on the potential significance of the effects of plans or programmes on the environment, as determined by their sector; (b) depending on the type, level and scale of the plan, with SEAs being obligatory for comprehensive territorial planning documents at the national, regional and district levels and major changes to these documents; (c) if plans or programmes had significant effects on established or potential "Natura 2000" sites; and (d) based on the judgement of the organizer of a plan or programme.

18. Fourteen respondents explained how their countries defined whether a plan or programme "set the framework for future development consent for projects" (article 4, para. 2) (8). In general, such plans and programmes foresaw implementation of activities included in annexes I and II to the Protocol, and contained provisions, conditions or criteria to be considered during their authorization and applied in their implementation, e.g., concerning the location, nature, size and operational conditions of these activities, the use of natural resources, etc. Other respondents (Austria, Bosnia and Herzegovina, Croatia, Lithuania, Netherlands and Spain) noted that they did not have a specific definition in this regard or that this was determined on a case-by-case basis.

19. Parties were asked to explain how the terms "plans and programmes ... which determine the use of small areas at local level" (art. 4, para. 4) were defined in their legislation (9). The majority of responding Parties, i.e., Albania, Austria, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Lithuania, Norway, Poland, Romania, Slovakia, Spain and Sweden, referred to a definition in their legislation. In Slovakia, this definition used the same wording as in the Protocol, which was then interpreted on a case-by-case basis. Austria noted that the terms usually referred to small-scale plans and programmes at the local level (e.g., certain local land-use plans) and that further guidance had been provided by some of the local (provincial) governments. In other Parties, such plans and programmes were considered to relate, for example, to the territory of a single municipality (Czech Republic) or to one commune (Poland). Norway referred to such plans and programmes as "detailed zoning plans". Lithuania made reference to the relevant EU legislation and implementation guidance that stipulated that these concepts could not be expressed in specific and concrete numeric values, but had to be decided on a case-by-case basis. The other respondents noted that their legislation did not provide a definition of the terms.

20. Most responding Parties (Armenia, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Hungary, Netherlands, Poland, Romania and Slovakia), as well as Bosnia and Herzegovina, indicated that they did not have legal definitions for how "minor modifications to a plan or programme" (art. 4, para. 4) were determined, and that this was done on a case-by-case basis (10) based on individual analysis and/or the application of screening criteria (e.g., Croatia, Hungary, Romania, Slovakia). Romania also pointed out that the modification in itself was not important to define, but its effects. Some other Parties (Albania, Austria, Lithuania, Spain and Sweden) referred to definitions in their legislation. Austria noted that its relevant law specified to which plans or programmes minor modifications were possible and that specific regulations defined different thresholds, e.g., depending on the land use. Moreover, some Austrian provinces provided explanations in this regard in "guidance notes". For Spain, minor modifications were changes that were "not essential but that could produce some differences in the characteristics of the environmental effects". Lithuania referred to the definition transposed from the relevant EU legislation, which stated that the main criterion should be the significance of the potential

effects of plans and programmes on the environment. Norway noted that "minor modifications" were those that did not alter the main characteristics of the plan or programme. In the Czech Republic, any modification, regardless of its extent importance, required screening.

#### **D. Article 5: Screening**

21. Parties described how they determined which other plans and programmes (i.e., not covered by art. 4, para. 2) were likely to have significant environmental, including health, effect and be subject to SEA according to article 4, paragraphs 3 and 4, and article 5, paragraph 1 (11). Fourteen Parties combined two approaches for the determination of significant effects, i.e., screening: case-by-case examination and specifying the types of plans and programmes. Germany, Poland, Romania and Sweden only determined this on a case-by-case basis, while Albania only by specifying the types of plans and programmes. Croatia considered which other plans should be subject to SEAs based on individual analysis and/or specific criteria.

22. The majority of Parties reported that their legislation foresaw opportunities for the public concerned to participate in screening and/or scoping of plans and programmes, which each Party "to the extent possible, shall endeavour to provide" in line with article 5, paragraph 3, and article 6, paragraph 3 (13). Armenia, Bosnia Herzegovina, Hungary and Poland reported that their legislation did not provide for such opportunities. Hungary noted, however, that there were opportunities for the public to communicate their opinion and make remarks during scoping, as the determination of the contents of the environmental evaluation and the contents of the plans and programmes themselves were made public. According to the German legislation, the public, NGOs and municipal authorities may be consulted in the scoping but not in the screening phase.

23. In most cases, Parties indicated that they used more than one method to allow for public participation during screening and/or scoping, i.e.: through sending written comments in relation to the plan or programme to the competent authority and/or to the local municipality; through providing answers to a questionnaire; and thorough taking part in a public hearing. Most commonly, the public was invited to address its written comments to the competent authority.

24. Parties described at which stage of the procedure their legislation required them to make the conclusions of the screening (screening decision) publicly available, and what information they should include (art. 5, para. 4) (14). In general, the conclusions of the screening decision were made publicly available: at the "conceptual/initial phase" (Albania); "without undue delay" (Slovakia); "in the screening phase" (Croatia); "within three days" of the decision (Bulgaria, Romania); "within 10 working days" of the decision (Lithuania); and "after the decision was made" (Austria, Denmark, Finland, Germany and Norway). Austria reported that some decisions were made publicly available after the decision had been taken, while others were made available together with the publishing of the planning report or planning documentation. Poland reported that its legislation did not require the issuance of the screening decision. However, if the authority responsible for preparing the draft screening document decided on the basis of such an analysis not to carry out an SEA, then it was obliged to inform the public without an undue delay of its decision. On the other hand, if the SEA was carried out, then the public was informed about each step and allowed to participate.

25. In the Czech Republic, if the plan and programme was subject to SEA, the screening decision (conclusion) should cover, among others, the contents and scope of the evaluation, including a requirement to draw up possible variants to the plan or programme, and the proposed procedure for assessing the plan or programme, including the holding of a public

hearing. In the opposite case, the competent authority was obliged to state the reasons for not requiring the assessment. In Romania, the responsible authority (or "beneficiary") had to publish the screening decision in the media, including information on the plan/programme; the legal basis for the SEA procedure; the measures taken to inform and involve the public during screening and whether the public sent any comments; the findings and conclusions of a special committee; the screening decision and the reasons for taking it; and information on the procedure for the public to comment the decision and on access to justice-related provisions. Slovakia reported that the information contained in the decision included a short description of the plan or programme, the outcome of the screening procedure, the comments received from the authorities and public concerned and how they were taken into account, how the criteria for screening were taken into account, specific proposed measures to be taken into account in the adoption procedure and during the time the plan would be "in operation", notice that the affected municipality had to make this decision publicly available, notice that such decision could be reviewed under the Civil Code of Justice, etc.

#### **E. Article 6: Scoping**

26. Article 6, paragraph 1, requires Parties to establish arrangements for the determination of the relevant information to be included in the environmental report (scoping) in accordance with article 7, paragraph 2. The majority of Parties indicated that to determine the relevant information in this regard they took into account the information specified in annex IV to the Protocol and the comments from the authorities concerned, and from the public concerned, if it had been consulted, and, that, in addition, this would be determined by the competent authority based on its expertise (15).

#### **F. Article 7: Environmental report**

27. Nearly all respondents indicated that "reasonable alternatives" in the context of the environmental report (art. 7, para. 2) were determined on a case-by-case basis (16). Bosnia and Herzegovina noted that it had no provisions for this; Croatia and Poland reported that the strategic impact study included alternative options that took into account the objectives and scope of the plan or programme in question; Hungary reported that the scope of environmental evaluations had to include a brief description of the plan or programme and the alternatives considered.

28. To ensure that the environmental reports are of sufficient quality (art. 7, para. 3), 15 Parties indicated that the competent authority checked the information provided and ensured that it included all the information required under annex IV to the Protocol (17). Albania noted, however, that it had no specific procedure or mechanism for this. Croatia reported that, in addition to their review by the competent authority, the draft plans and programmes were reviewed and the results of the strategic assessment study evaluated by an advisory expert committee. In addition, Austria, the Czech Republic and Finland referred to other means, such as the application of different guidelines to improve the quality of the reports. Romania noted that the aspects assessed included: compliance with annex IV; the presentation of alternatives; the integration of the public's comments; the quality and use of maps and diagrams; and the existence of an adequate monitoring programme of the environmental effects.

## G. Article 8: Public participation

29. All respondents (except for Bosnia Herzegovina) noted that the "timely public availability" of draft plans and programmes and the environmental report (art. 8, para. 2) were ensured both through public notices and the media (18). Armenia also made use of the Regional Environmental Information Centres (Aarhus Centres) for this purpose. In the Czech Republic, the draft plans or programmes and the environmental report were posted on official noticeboards, on the Internet and disseminated through at least one other means, such as in the press or on the radio. In Hungary, according to a Government decree, the publication had to take place in at least one national or local newspaper. Norway specified that a letter was sent to the concerned authorities, the public and NGOs.

30. Twelve responding Parties identified the "public concerned" referred to in article 8, paragraph 3 (19), by two means: based on the geographical location of the plans and programmes; and by making the information widely publicly available and letting the public concerned identify itself. Hungary also noted that, when defining the content and the level of detail of the environmental evaluation, the authority responsible for the plan or programme also identified the groups that could be concerned, and the procedure for informing them. Slovakia responded that the "public concerned" also depended on the specific plan or programme.

31. For 18 Parties, the public concerned had the opportunity to express its opinion on the draft plans and programmes and the environmental report "within a reasonable time frame" (art. 8, para. 4) (20) by sending written comments to the competent authority/focal point. In a number of cases they could also do this orally (10 Parties) and by attending public hearings (14 Parties).

32. Thirteen respondents indicated that the term "within a reasonable time frame" was not defined in their legislation, but that the time frame for each commenting period was defined by a number of days (21). A few Parties referred to legal requirements regarding the time frames: Albania and Croatia (30 days); Denmark (at least eight weeks); the Netherlands and Norway (six weeks). Germany, Hungary and Sweden reported that this was defined on a case-by-case basis. Bulgaria and Hungary noted that at least 30 days were provided for comments. In Lithuania, once the decision to carry out an SEA had been taken, the public had to be informed within 10 working days through the local (or regional or national) press and via the Internet; and once the SEA report and draft plan or programme was ready, the public had to be informed no later than 20 working days before its presentation to the public.

## H. Article 9: Consultation with environmental and health authorities

33. Respondents were asked to describe the procedures required in their legislation for consulting the environmental and health authorities (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 1) (12). Most respondents (Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Hungary, Lithuania, Norway, Poland, Romania, Slovakia and Spain) reported that both environmental and health authorities were consulted at every stage.

34. Croatia reported that in the screening phase, the competent body would consult the "bodies and/or persons designated by special regulations" and, when it deemed necessary, also the local authorities and other bodies, depending on the scope and other characteristics of the plan or programme. These bodies had 30 days to submit their opinions to the competent authority on the need for SEA. The competent body would also consult the relevant authorities on the content and scope of information to be assessed. The strategic impact study and the draft proposal of the plan or programme prepared by the competent

authority, taking into account the outcomes of the consultations, would then be submitted to a committee, established by a special regulation, and also to the other relevant bodies.

35. Finland reported that during all stages of the process several authorities (i.e., the centre for economic development, transport and the environment and, as appropriate, relevant local health, environmental and other authorities of the affected areas) were consulted, and that should the plan or programme have extensive regional repercussions, then the environment and health ministries would also be contacted.

## **I. Article 10: Transboundary consultations**

36. If the plan or programme was likely to have significant transboundary effects, most Parties, as Party of origin, would inform the affected Party either during the scoping phase (11 Parties) and/or when the draft plan or programme and the environmental report had been prepared (10 Parties) depending on the type of project (22). The Czech Republic reported that generally the affected Party was informed when the environmental report had been prepared, although in some cases (especially for important national plans or programmes on energy or transport) the ministry of environment notified the neighbouring countries during the scoping phase. Hungary noted that it informed the affected Party at the same time as it carried out consultations on the draft of the plan or programme within its own country. In Slovakia, the affected Party was notified usually before scoping. Armenia noted that it had no practice with regard to transboundary consultations, nor any related legislative provisions, as of yet, but that these would be included in a new draft law.

37. Seventeen Parties indicated that they included the information required in article 10, paragraph 2, in the notification to the affected Party (23). For three of them (Estonia, Germany and Romania) the notification also contained additional information. Armenia did not respond to the question. Bosnia and Herzegovina reported that it had no such provisions in its environment law. In Estonia, the notification included: the name and description of the strategic planning document; information on the person preparing and adopting the document; a schedule for preparation of the document and the SEA; a short description of the likely environmental impacts resulting from the implementation of the document; and the time frame for responding to the notification and submission of comments.

38. Spain reported that the contents of the notification depended on the type of plan or programme. It also noted, together with a few other Parties (e.g., Estonia, Germany and Slovakia), that if the notification was made during the scoping phase, when the draft plan or programme and the environmental report were not yet available, these would be provided at a later stage. Slovakia also specified that the notification included initial information on the plan or programme, an indication that it might have a transboundary impact, a request to provide the Party of origin with information that should be assessed and notice that the information specified in article 10, paragraph 2, would be provided at a later stage.

39. As Parties of origin, 12 respondents indicated that their legislation did not include a "reasonable time schedule" for the transmission of comments from the affected Party (art. 10, para. 2) (24). Exceptions included: Albania, Croatia and the Czech Republic (30 days); the Netherlands and Norway (six weeks); and Denmark (8 weeks). Spain noted that while, in general, such a time frame was not included in legislation, it was included in the bilateral agreement with Portugal where a response deadline of 30 days was foreseen.

40. If the affected Party indicated that it wished to enter into consultations, detailed arrangements, including the time frame for consultations (art. 10, paras. 3 and 4) were agreed based on the time frames determined by the Party of origin in 10 of the responding countries (25). Others (e.g., Bulgaria, Lithuania, Poland, Slovakia, Spain) indicated that the time frames would be agreed between the concerned Parties on a case-by case basis. Spain

also referred to its bilateral agreement with Portugal for plans and programmes in which Portugal was the affected Party.

## J. Article 11: Decision

41. Parties explained how they ensured that when a plan or programme was adopted, due account was taken of the conclusions of the environmental report, mitigation measures, and comments received in accordance with articles 8 to 10 (art. 11, para. 1) (26). In the Netherlands, the competent authorities were required to justify the decisions taken on a plan or programme, including the way in which the environmental effects described in the environmental report were taken into account, along with preventive, mitigating and possible compensation measures, and how the outcomes of the consultations of the authorities and the public in its own country and, as needed, in the affected Party, were included. Poland referred to a written summary containing a justification of the choice of the plan or programme adopted in relation to the alternatives considered, as well as information on the manner in which the findings/conclusions of the environmental report, the opinions of the competent authorities (i.e., the environmental and sanitary inspection authorities), the comments and suggestions submitted, the results of the transboundary SEA, if conducted, and proposals for the method and frequency of monitoring the effects of the implementation of the provisions of the document were taken into consideration. Austria indicated that its legislation obliged the authorities concerned to explain in writing how the conclusions of the environmental report, comments, mitigation measures, monitoring measures and the reasons for adopting the plan or programme in the light of the alternatives had been taken into account.

42. There was some confusion among Parties regarding whether and to what extent the decision on the adoption of the plan and programme should address monitoring of the effects of the implementation of the adopted plan and programme under article 12. In Finland, decisions to approve a plan or programme had to include a justified opinion on how the environmental report, opinions and results of discussions between States were taken into account, and an outline of how these and various environmental considerations affected the content of the plan or programme and the choice between the various alternatives, and also an outline for monitoring.

43. Parties indicated how and when, as Party of origin, they informed their own public and authorities about the adoption of the plan (art. 11, para. 2) (27). In several Parties this was done by the competent authority once the decision to adopt the plan or programme was made, through the competent authority's website, public notices and official papers (Albania, Austria, Bulgaria, Czech Republic, Denmark, Germany, Hungary and Norway). In Bulgaria the initiator of the plan or programme was also held responsible for publishing information on their website. In Austria, local authorities also planned public information events.

44. Parties were asked how they informed the public and authorities of the affected Party about the decision to adopt a plan or programme (art. 11, para. 2) (28). Most respondents (Austria, Bulgaria, Denmark, Estonia, Finland, Germany, Hungary, Lithuania, Norway, Slovakia and Sweden) reported that this was done by informing the point of contact in that country. In the Netherlands, the public (private persons, NGOs, private companies) and authorities of the affected Party that had submitted comments were informed individually about the decision on the final plan or programme. Poland reported that its national legislation did not clearly indicate how this procedural stage should be carried out, other than that the competent authority should forward the adopted document to the affected Party.

## K. Article 12: Monitoring

45. Respondents described their legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted (art. 12) (29). Several Parties (e.g., Croatia, Germany, Netherlands, Poland and Slovakia) reported that it was the authority that approved the plan or programme that was responsible for developing a monitoring programme and ensuring its implementation. On the other hand, in Bulgaria and Romania that responsibility lay mainly with the initiator or developer of the plan. Austria reported that its legal requirements complied with those of the Protocol that the planning authorities were generally responsible for monitoring, and that general guidance was available to support the monitoring process.

46. Spain noted that specific means to undertake monitoring were determined on a case-by-case basis. Some Parties (e.g., Germany and Hungary) reported that they could use existing monitoring systems and methods, data and information sources. Croatia described its environmental monitoring programme, which contained, notably: a description of the objectives of the plan or programme; indicators; a method of verifying the implementation of environmental protection measures; procedures in the case of unforeseen adverse effects<sup>7</sup> and funds required for the implementation of the environmental monitoring programme. Denmark reported that its procedure was aligned with article 12. Armenia did not reply and Bosnia Herzegovina reported that it had no provisions for monitoring.

## L. Article 13: Policies and legislation

47. Most responding Parties indicated that they did not have national legislation on the application of the principles and elements of the Protocol to policies and legislation (art. 13, paras. 1–3) (30). Eight Parties (Austria, Czech Republic, Estonia, Finland, Germany, Netherlands, Norway and Sweden) said their national legislation did address this issue. For example, in Norway policies and legislation were required to undergo a sustainability assessment covering social, economic and environmental impacts. Equally, in Estonia, significant impacts, including environmental, social and economic impacts, of draft acts and draft regulations were to be assessed during their elaboration. In Austria, federal laws and regulations, international agreements and certain projects of significant financial weight were subject to an environmental assessment. In Germany, according to the constitution, all governmental and legislative bodies had to ensure that environmental, including health, concerns would thoroughly be taken into account when preparing proposals for policies and legislation.

# III. Practical application of the Protocol during the period 2010–2012

## A. Domestic and transboundary implementation

### 1. Authority responsible for carrying out SEAs

48. Responding Parties indicated which competent authorities were responsible for carrying out the SEA procedure in their countries (32). Fifteen Parties (Austria, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Lithuania, Netherlands, Norway, Poland, Slovakia, Spain and Sweden) reported that the competent authority was different at different levels (national, regional, local). Austria, Croatia, Denmark, Estonia, Finland, Germany, Hungary, Norway, Poland, Spain and Sweden reported that the authorities differed for different types of plans and programmes. Six Parties (Bulgaria,

Croatia, Denmark, Estonia, Romania and Slovakia) reported that the authorities differed depending on whether the procedure was domestic or transboundary.

## 2. Sub-chapter on potential transboundary effects

49. Fifteen respondents said that their SEA documentation only included a specific sub-chapter on information on potential transboundary effects when there were such impacts (33). However, some Parties (e.g., Albania, Slovakia and Poland) indicated that such a sub-chapter was always included in the SEA documentation.

## B. Cases during the period 2010–2012

50. Most Parties found it difficult to report, in particular, on domestic SEA procedures initiated during the period 2010–2012 and to list them by sectors referred to in article 4, paragraph 2. This was commonly due to the decentralization of the domestic SEA procedures, which involved authorities at different levels of government, and due to the absence of a central registry of SEA cases and related data (34).

51. The table below provides an approximate/estimated number of cases for each responding Party.

| <i>Party</i>       | <i>Transboundary SEAs as<br/>Party of origin</i> | <i>National (approximate)</i> | <i>Total (approximate)</i> |
|--------------------|--------------------------------------------------|-------------------------------|----------------------------|
| Albania            | —                                                | 30                            | 30                         |
| Austria            | 6                                                | 438                           | 444                        |
| Bulgaria           | —                                                | 1 406                         | 1 406                      |
| Croatia            | —                                                | —                             | 4                          |
| Czech Republic     | 6                                                | 487                           | 493                        |
| Denmark            | 3                                                | 200                           | 203                        |
| Estonia            | 1                                                | 200                           | 201                        |
| Finland            | 7                                                | 4 530                         | 4 537                      |
| Hungary            | —                                                | 370                           | 370                        |
| Lithuania          | —                                                | 536                           | 536                        |
| Netherlands        | —                                                | —                             | 75                         |
| Norway             | 5                                                | 315                           | 320                        |
| Poland             | 8                                                | —                             | 8                          |
| Romania            | 3                                                | 58                            | 61                         |
| Slovakia           | 1                                                | 568                           | 569                        |
| Spain (nationally) | 2                                                | 27                            | 29                         |
| Sweden             | 5                                                | 400                           | 405                        |

52. Eight Parties (Bulgaria, Czech Republic, Denmark, Finland, Hungary, Lithuania, Poland and Spain) provided approximate numbers of their domestic and transboundary SEA procedures for each of the sectors listed in article 4, paragraph 2, individually. Others provided figures for clusters of several sectors or reported on the procedures only on a general level. This made it difficult to summarize in a detailed manner the information on SEAs by sector.

53. Based on the figures made available, during the period 2010–2012, the vast majority of SEAs initiated by the responding Parties were in the field of land use or town and country planning (at the national, regional and local levels); the other major sectors being regional development, energy, water management, waste management and transport. In addition, some Parties reported on SEAs initiated in the following other sectors: telecommunications (Lithuania); industry, including mining (Lithuania, Romania and Spain); agriculture and fisheries (Hungary, Lithuania and Spain); forestry (Lithuania, Romania and Spain); and large-scale construction (Lithuania). Armenia reported that, in the period following its ratification of the Protocol in January 2011, it had initiated approximately 50 domestic EIA procedures, and that part of the activities assessed were also subject to SEA based on their nature and scale. The sectors it referred to included mining, agriculture and large-scale construction.

### C. Experience with the strategic impact assessment procedure

54. Parties were asked to indicate whether they had had practical experience in implementing the Protocol, and whether this had supported the integration of environmental, including health, concerns into the development of plans and programmes (35). Albania, Austria, Bulgaria, the Czech Republic, Denmark, Estonia, the Netherlands, Norway, Poland, Romania, Slovakia and Spain responded in the affirmative, stating that SEA and the conclusions of the environmental report had influenced the planning process, and at times led to changes in the original plans or programmes or in the decision on their adoption. In general, the opportunity to assess alternative strategies or directions for a plan or programme and the incorporation of the views of relevant authorities and the public had led to better integration of environmental considerations, e.g., through the introduction of additional measures to prevent, mitigate and reduce adverse impacts and indicators for monitoring. Germany noted that it was still too early to determine the impact of SEAs, although it seemed to be positive. Several Parties illustrated their responses with examples:

(a) Bulgaria referred to its draft National Renewable Energy Action Plan (2011–2020), which included restrictions and prohibitions for developing renewable energy projects in specific areas as a result of SEA;

(b) Denmark provided as an example a wind farm that had not been established in a given location as a result of a SEA, because of concerns related to noise;

(c) Finland highlighted that the most crucial contribution of SEAs to the planning processes had been the importance of cooperation and systematic assessment;

(d) Hungary provided the example of the village of Pilisszentkereszt, where the entire settlement development plan had been turned down further to the environmental assessment. Hungary also reported how the measures for the prevention, reduction or mitigation of adverse impacts identified during SEAs of settlement development plans had been incorporated into its regulations (local construction code), serving to ensure that these environmental concerns would be considered in the planning phase for any subsequent plan of that kind;

(e) The Netherlands referred to its national policy strategy on pipelines within which certain pipeline routes had been altered or dropped because of environmental reasons (mostly safety related);

(f) In Romania, a master plan for coastal protection and rehabilitation was modified further to an SEA to protect the existing Natura 2000 site.

55. Most Parties indicated that they had not experienced substantial difficulties in interpreting particular terms or particular articles of the Protocol (36). However, the following difficulties were noted by a number of Parties:

- (a) The identification of plans and programmes that are within the field of application (under article 4) (Austria);
- (b) The determination of the contents and the level of detail of the environmental report (Austria, Estonia) (article 7, para. 2 (b));
- (c) Specific criteria for the likely significant transboundary environmental, including health, effects (Norway);
- (d) Lack of clear legal definitions of some terms (such as "significant impact" or "reasonable alternatives") (Poland);
- (e) Lack of a clear definition for "small areas at local level" and "minor modifications" (Slovakia);
- (f) Hungary noted a number of specific difficulties concerning the interpretation of the following terminology: (i) protection of the public against harassment (art. 3, paras. 6 and 7); (ii) "relevant information" (art. 6, para. 3); (iii) "reasonable time frame" (art. 8, para. 4); (iv) "significant environmental effects"; and (v) "environmental, including health, effect" (art. 2, para 7).

56. Germany noted the value of bilateral agreements to collaborate and find common solutions for the practical implementation of transboundary procedures (as it is doing with France, the Netherlands, and Poland) while Hungary emphasized the value of guidelines.

57. Parties were also asked to provide examples of applying the Protocol in practice, including lessons learned. Some of the examples provided are outlined below (37). Hungary was the only responding Party to express its willingness to provide a case study to be made available on the Convention website. The case study relates to impacts on a Natura 2000 area of the Long-term Plan of the National Express and Main Road Network and the Long-term Development Plan.

## 1. Monitoring

58. A few countries provided specific examples of monitoring that they had carried out according to article 12. These concerned: waste management plans for the city of Vienna (Austria); Bulgaria's town and country planning, land use plans, municipality master plans and detailed spatial plans, national "operational" programmes for transport, environment, competitiveness, regional development, fisheries and agriculture, and national and regional transport plans, strategies and programmes; Germany's maritime spatial plans; and Hungary's transport plan. A number of other countries described their national legislation and procedures on monitoring (e.g., the Czech Republic and Lithuania), or referred to monitoring of plans and programmes as a standard procedure (Denmark) or as a legal obligation (e.g., Poland and Spain). Sweden referred to its experience in applying existing general monitoring schemes. The Netherlands noted that it lacked national registers regarding monitoring of plans. Romania stated that it had no experience in monitoring yet.

## 2. Translation

59. Some Parties described how they had addressed the question of translation, which was not specified in the Protocol. Austria, as the Party of origin usually translates the draft plan or programme and all or part of the environmental report into the language of the affected Party. As the affected Party, Austria requests the documents in German, but may sometimes also accept documents in English. Croatia, Denmark and the Netherlands

reported that they only translated (if necessary) the summary documentation and the chapter on transboundary impacts of the environmental report. Germany emphasized the importance, cost and time needed for effective translations and that this should be dealt with in bilateral agreements.

### 3. Public participation

60. A number of Parties described their experience in transboundary public participation according to article 10, paragraph 4. The examples provided included the following:

(a) Austria noted that, as affected Party, it was sometimes difficult to grant the Austrian public the same opportunities as the public in the Party of origin due to time constraints, e.g., for indicating whether or not to participate in the transboundary procedure and for submitting comments;

(b) Bulgaria reported on its experience in relation to the master plan for the protection and rehabilitation of the Romanian coastal zone. As an affected Party, it had published the material received from the Romanian Environment Ministry (the SEA report and draft Master Plan in English) on the competent authority's website for public consultations for a period of 30 days;

(c) Romania reported on its positive experience in public participation in two transboundary cases where it was the Party of origin, and Hungary and Serbia were the affected Parties. In both cases the public had been satisfied with the way Romania had dealt with the public's queries;

(d) Finland highlighted the effective cooperation between countries and the effectiveness of public participation, but noted that often authorities seemed more interested in participating in SEA procedures than the general public;

(e) Germany referred to transboundary procedures in connection with Poland's nuclear power programme. As affected Party, it had published the draft programme and an abstract of the environmental report on the websites of the competent authorities at the federal and regional levels for three months. As a result, more than 50,000 German citizens and NGOs as well as several German authorities had expressed their opinions on the draft;

(f) In the Netherlands, SEAs for a spatial integration plan and an infrastructure plan had involved stakeholder dialogue with representatives from the most important stakeholder groups (companies, local communities, etc.). These stakeholders were periodically consulted during the scoping process and in the preparation of the SEA report.

### D. Cooperation between parties

61. A few Parties (e.g., Czech Republic, Estonia, Germany, Netherlands and Spain) provided successful examples of how they had overcome difficulties arising from different legal systems in neighbouring countries (38), mainly highlighting the value of bilateral agreements. Estonia noted the importance of early consultation with neighbouring countries. For Austria, a cooperative attitude between the authorities and stakeholders was required.

### E. Experience regarding guidance

62. Most Parties (Albania, Austria, Bosnia and Herzegovina, Croatia, Denmark, Estonia, Finland, Hungary, Lithuania, Netherlands, Norway, Poland, Romania and Sweden) reported that they were either not aware of the use of the *Resource Manual to Support Application of*

the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17),<sup>4</sup> or that it was not used in their country (39). Armenia noted that the Resource Manual was being translated into Armenian. Germany highlighted the value of the Resource Manual, particularly for transboundary SEAs.

63. Several Parties (Austria, Estonia, Finland, Germany, Norway, Poland, Spain and Sweden) reported that they had prepared guidance on SEA for the public and made it available on the Internet, most commonly on the website of the environmental authority (40). In Finland, the guidance made available by the environment ministry included notably: a web-based SEA toolkit; an electronic question-and-answer package and other basic information about SEA; guidelines on impact assessment in land-use planning; and several other publications and guidance material on public participation and impact assessment in land-use planning. Austria had made available a web-based SEA toolkit and a dedicated website for SEA issues. Poland's General Directorate for Environmental Protection had published guidance and pamphlets on SEAs and public participation which had been of valuable assistance both for the public and administrative authorities.

64. Except for Finland and Germany, no other Party indicated that they provided support to associations, organizations or other groups that promote the Protocol (41). In Germany, funding was provided to the biannual congress of the German EIA Association, which addresses questions of EIA and SEA and is composed of consultants, universities and authorities — mainly from Germany and Austria. Finland reported that the environment ministry had an allowance in its annual budget for distributing grants to various environmental and other associations (although not specifically to promote the Protocol, but for more general purposes, such as public participation in environmental matters).

65. Parties were asked whether they had difficulties implementing the procedures defined in the Protocol (42). In this respect, most Parties reported not to have had any major difficulties. Austria stated that for some authorities it was a challenge to integrate SEA elements into the existing planning processes. Hungary reported that the language and the "project-like logic" of the Protocol could be improved to be better adapted for application at the level of programmes.

## F. Awareness of the Protocol

66. Several Parties (Albania, Estonia, Finland, Germany, Hungary, Norway, Slovakia and Sweden) considered that there was a need to further improve the application of the Protocol in their country (43). Germany noted that the Protocol on SEA was still relatively new and that the need for additional measures to improve its application should be evaluated based on the practical experience gained. Slovakia considered that seminars, workshops, leaflets and information for authorities, SEA experts and the general public could help to improve application of the Protocol. Hungary felt that the application of the Protocol could be improved by the provision of guidelines and also by amending legal regulations to clarify ambiguous terms. Norway suggested that improved guidance was needed, in particular to clarify responsibilities of the competent authorities. Sweden reported that it was currently reviewing chapter 6 of its Environmental Code in order to make the requirements on EIA and SEA clearer and more streamlined. Austria considered that its concerned authorities were fully aware of all the requirements of the Protocol and in the past few years had developed a more positive attitude towards SEA. Among difficulties, Austria noted certain duplication with the EIA procedures regarding (local) spatial

<sup>4</sup> Online publication available from [http://www.unep.org/env/eia/sea\\_manual/welcome.html](http://www.unep.org/env/eia/sea_manual/welcome.html).

planning. Some programmes were also more challenging to assess, e.g., regional programmes involving green zones.

#### **G. Suggested improvements to the report**

67. Most respondent had no suggestions for improving the report on the implementation of the Protocol, the present report being the first one prepared (44). However, Germany indicated that it did not see the value of providing practical case studies and experience (under part II of the questionnaire). The Netherlands felt that there was some overlap between the questions (in particular in its part I). Norway identified some overlap in the questions in part II, and also noted that at this early stage of applying the Protocol there was little information to share regarding practical experience, therefore, that section could be shortened.

---